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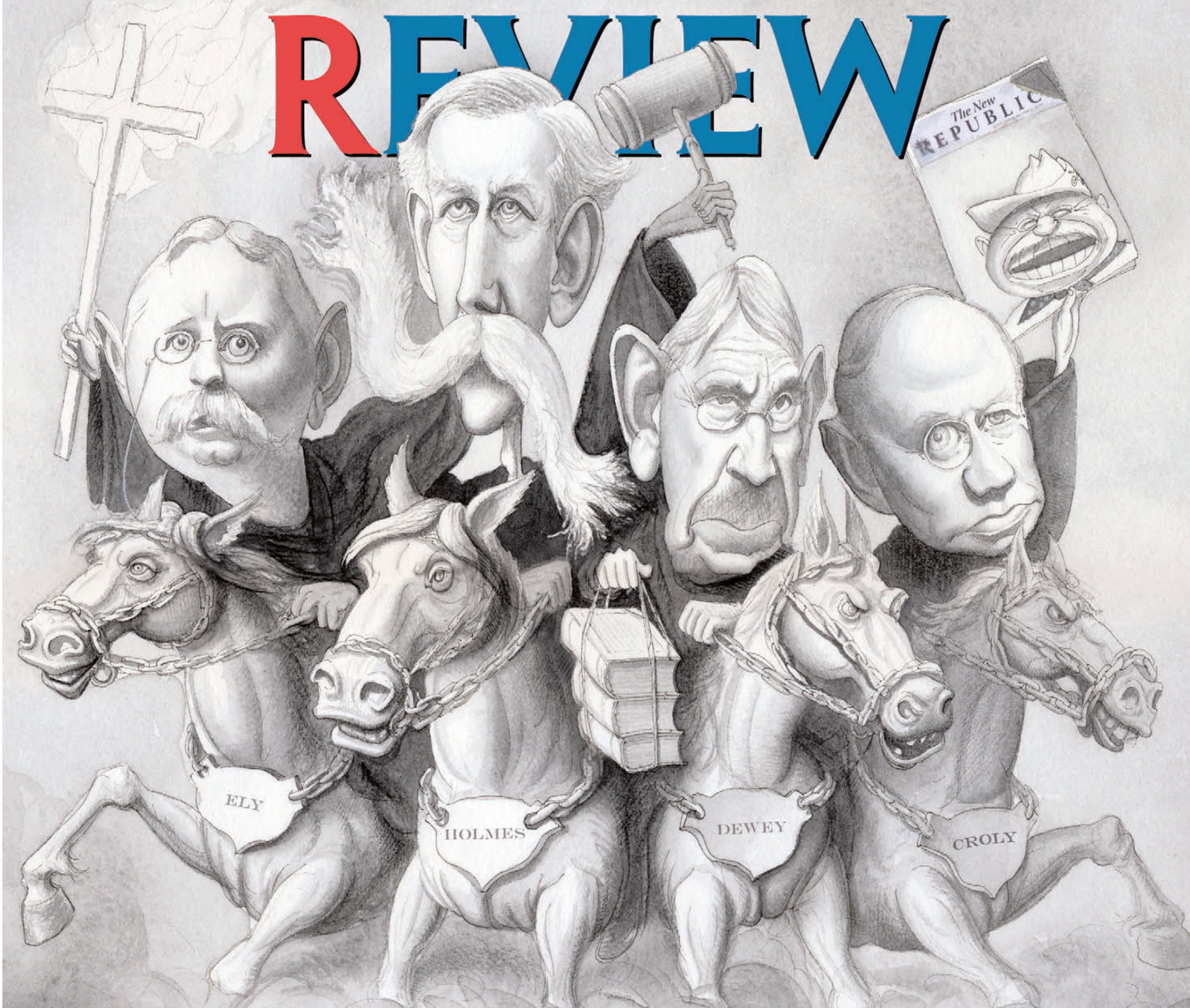
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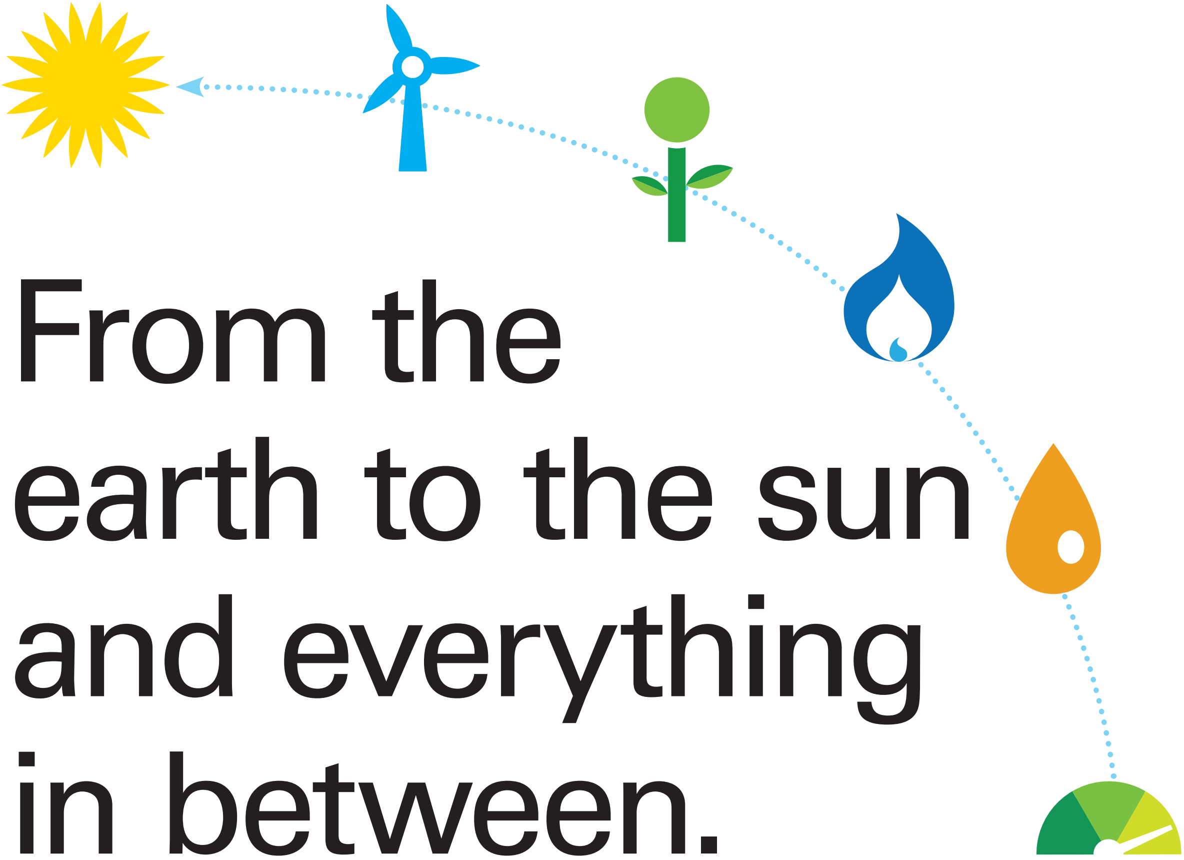

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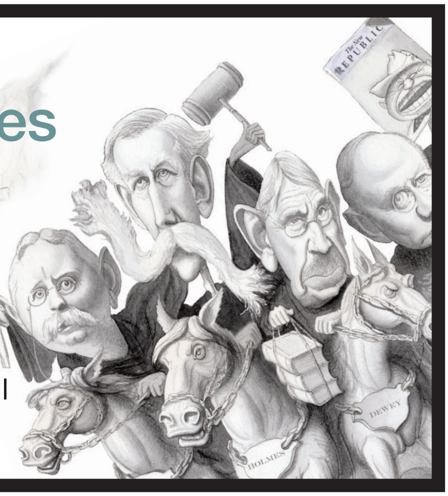

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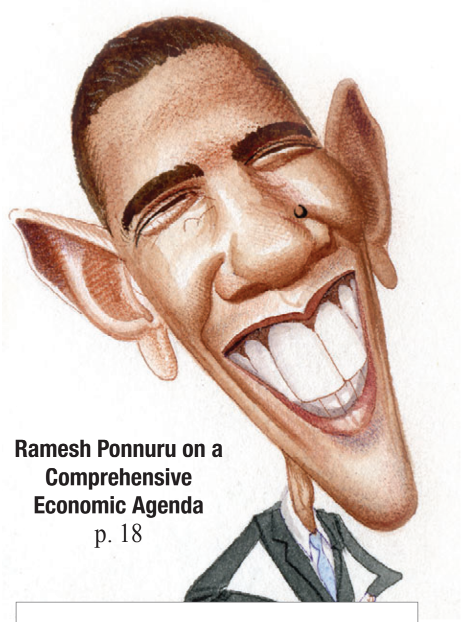

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Letters

Regression Dissection

I am normally a fan of Kevin A. Hassett's NR contributions, but I found his most recent column ("The Metamorphosis," December 21) unconvincing. The graph accompanying the piece appears to show that in states where voters supported Obama, businesses were more likely to exaggerate the number of jobs that had been created by the stimulus. A closer look reveals several problems.

Most important, there is an outlier in the upper-right corner of the graph—a state that hosted more fake jobs per capita than any other, and also voted for Obama at an astounding 90-plus percent. (Presumably, this is the District of Columbia.) Given that the other dots show no obvious pattern, it is reasonable to suspect that the correlation wouldn't exist were this single data point removed.

Also, the source of the fake-job data—newspaper reports compiled by the *Washington Examiner*—is not comprehensive and may not be representative. There are undoubtedly many fake jobs that newspapers did not uncover (some major papers probably didn't even look), and the *Examiner* may have missed some reports. As I count only 41 dots, there are about ten states for which the *Examiner* found not a single fake job; Hassett simply leaves these states out of his analysis, introducing another potential problem.

Further, the data are not weighted by population. States with few inhabitants can throw off the correlation as a whole, and states with many inhabitants don't influence the correlation as much as they should.

Finally, the fake-job data are presented by percentile rank. That is, the state with the highest number is ranked 100, the lowest zero, with the rest spaced evenly between. This can both exaggerate variation (even if there is very little difference between the highest and lowest number, they appear as zero and 100 on the graph) and obscure it (even if there is a huge gap between the 50th and 52nd percentile, they appear very close on the graph).

Stewart Jefferson
Evanston, Ill.

KEVIN A. HASSETT REPLIES: Our charts must meet a very high standard before we will elevate them from the minor leagues to the big leagues (NATIONAL REVIEW, of course), but we seldom have room to describe every test that we have run. We investigated each of the questions raised in this letter before publication.

The outlier question is a genuine concern, but when we tested the relationship without D.C., it held. We used only 41 states (including D.C.) because those are the only states for which we have data. It may be that the relationship would be weaker if we added data on the other states. It seems unlikely to us, but this is clearly an area worthy of future research.

It is true that we did not population-weight the regression, but the fake-jobs numbers are calculated on a per capita basis. If you do weight by population, the regression is still significant, with a slightly steeper slope. We normalized the data into percentiles because the actual numbers are very small decimals—percentiles make the chart easier to read.

Readers can always contact me at khassett@aei.org and ask for more detail on any chart. We will always provide data, programs, and outputs to skeptics and supporters alike.

Letters may be submitted by e-mail to letters@nationalreview.com.

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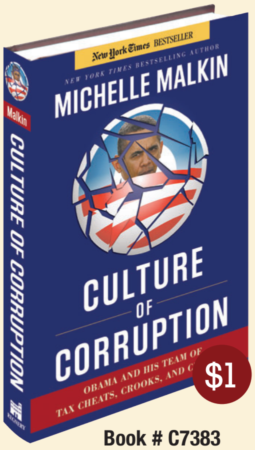
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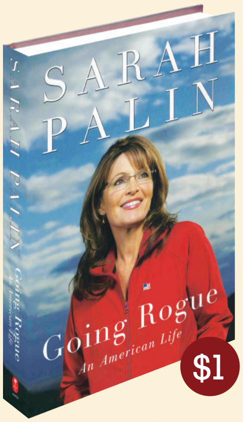
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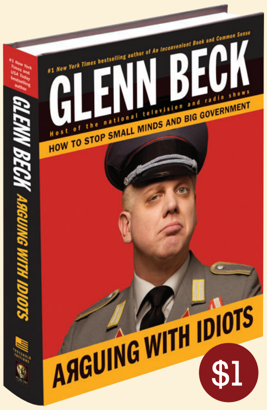
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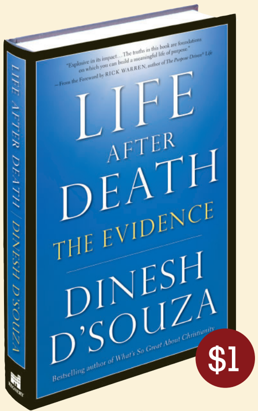
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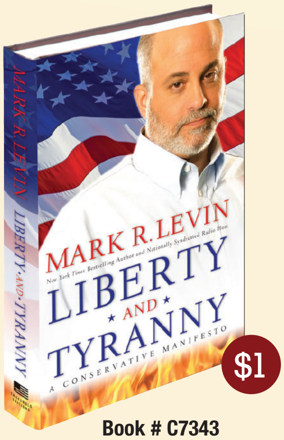
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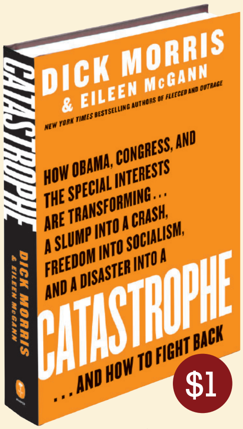
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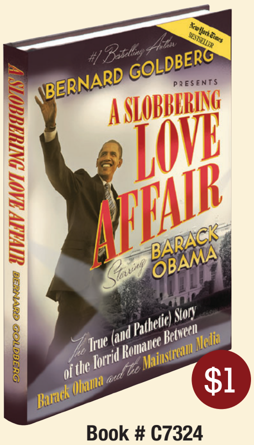
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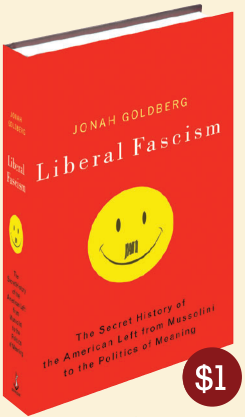
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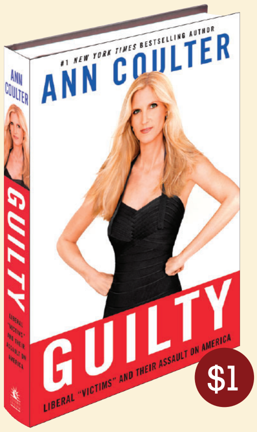
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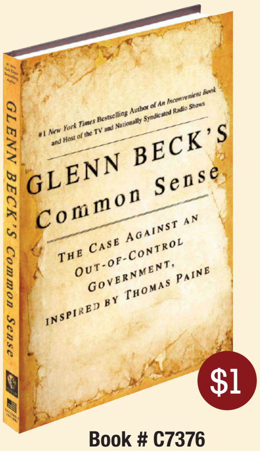
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The Week

See page 14.

R. GENN
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■ Winters in Illinois: Obama finally gets tough with the terrorists.

■ Just in time for Christmas came a new batch of polls bearing glad tidings for Republicans. Many more people oppose the president's health-care legislation than support it. His job-approval rating is below 50 percent. Republican Senate candidates are competitive or ahead in races for Democratic-held seats in Arkansas, Connecticut, Delaware, Pennsylvania, and Nevada (yes, that's Harry Reid's seat—for now). When people are asked which party they will vote for in House elections, the parties are tied; that measure usually underestimates Republican performance. A few House Democrats who represent Republican areas have just announced their retirements. Watch for more Democrats to retire before Election Day, or be retired on it.

■ Start with the problems of President Obama's Nobel remarks. He has no editor: He ran on for 5,000 words (William Faulkner's 1949 masterpiece was 550). He was both catty and savage toward his predecessor, implying that George W. Bush condoned torture, and that Gitmo violated the Geneva Conventions. Yet he got many important things right. "Evil does exist in the world." Therefore, "force may sometimes be necessary"; "history, the imperfections of man, and the limits of reason" require it. American force has benefited mankind. "The United States of America has helped underwrite global security for more than six decades with the blood of our citizens and the strength of our arms. The service and sacrifice of our men and women in uniform has promoted peace and prosperity from Germany to Korea, and enabled democracy to take hold in places like the Balkans." It was good for the Nobel committee, and the world, to hear from a commander-in-chief who believes in just war, and that he rules a just nation.

■ While in Oslo to pick up his prize, the president skipped a lunch with King Harald, which irked a lot of Norwegians. We can see Obama's predicament, however. Once you bow to some monarchs, do you have to bow to them all? If you bend low before the Saudi king or the Japanese emperor, do you have to descend to the same altitude before the Europeans? And if you decline to do so, have you insulted a monarch's subjects? Do you create some sort of diplomatic row? Of course, Obama bowed to the Chinese premier, Wen Jiabao, too, meaning that these maneuvers are not reserved for royalty only: Communist chiefs can qualify. Our president's manners abroad leave us absolutely dizzy.

■ Sarah Palin's autobiography, *Going Rogue*, got a glowing review from *New York Times* blogger Stanley Fish. Fish is one of the academics who discovered postmodernism; he made Duke, his bailiwick in the Eighties and Nineties, a citadel of it (in *Small World*, David Lodge's novel of academic life, Fish appears as the trendy Morris Zapp). Now Fish scopes out Palin's political future. He calls her book "compelling and very well done"; he tosses bait to Hillary supporters ("[Palin] loves to rehearse the kind of wonkish details we associate with Hillary Clinton"); and he concludes by warning Palin's enemies, "especially those who dismissed Ronald Reagan," to "take note." Being Fish, he also throws up a screen of double-talk ("Autobiographers cannot lie because anything they say will truthfully serve their project," which is "to portray themselves"). But he saw the next thing once before. Liberals should take note of his taking note.

ROMAN GENN

■ When it came time to recommend nominees for U.S. attorney, Sen. Max Baucus (D., Mont.) made a pass for the private option, namely his lover and former staffer Melodee Hanes. Eventually she dropped herself from consideration and faded away—much like this story. Curiously, instead of rushing to cover this sordid slush of sex, politics, and privilege, the press jumped to Baucus's defense. It's a "non-scandal," declared the *New York Daily News*. At least Hanes is "not a bimbo," mused *Newsweek*. "Baucus's move is almost par for the course," wrote *Politico*. And CNN, at first, refused to cover the story. Howard Kurtz of the *Washington Post* called the network's scandal slack "a stunning lapse in judgment." Indeed. Though Baucus is no Tiger, his mistress pick should have given the media more than the yips.

■ Somewhere in the labyrinthine recesses of the Department of Education is an Office of Safe and Drug-Free Schools. This office naturally needs a secretary—a Safe Schools Czar. Earlier this

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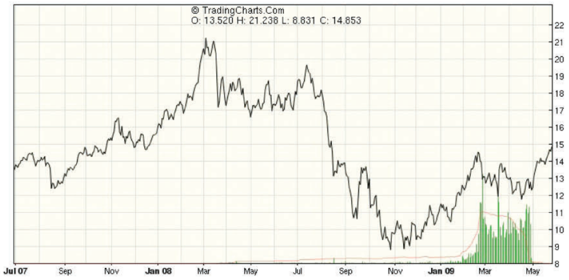

Silver is the modern day rescue of assets for the working man, the rich man, any man with any common sense. We can no longer go on with the dollar losing its value around the world and not paying the price for this reckless fiscal policy we have been led to ruin with! Bail out, Rescue plan, who cares what it's called we have another $850 Billion in debt we can't pay. ***Banks are folding, Freddie Mac & Fannie Mae are broke, and brokerage firms are broke.*** The dollar is worthless and continues to be hammered by other currencies around the world. Precious metals have spoken clearly and loudly that Gold, Silver and Platinum guarantee the true preservation of capital and wealth. With Silver at almost $22.00 an oz., in the spring there are great profits ahead by owning Silver now. Here is the thing; Silver has many uses across our entire world of daily living. The demand will continue making the basics and fundamentals of Silver stronger than ever.

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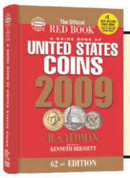
With gold at over $1200 an oz., there are several ways to revalue the dollar and make it hard money once again, a 100% gold-backed dollar. Congress must regain the confidence of the dollar by ending the habitual and reckless devaluation of the dollar. There is about $1.6 trillion in paper money that would be backed by about 260,000,000 million ounces of gold held by the Federal Reserve. Then the real price of gold or, more accurately, the value of the dollar would be 1/6,153 of an ounce of gold. **In other words, the price of gold would be $6,153 per ounce. This is simple math. Call now-- you are running out of time.**

What we need to understand is the lessons of the last 4,500 years of governments acting irresponsibly when given control of a fiat currency with which they could create and print as much money as they wished. As is the fundamental, basic and unavoidable consequences we now face. **We now have 15% real inflation which will lead to chaos, misery, starvation and revolution. History is the map of the future.**



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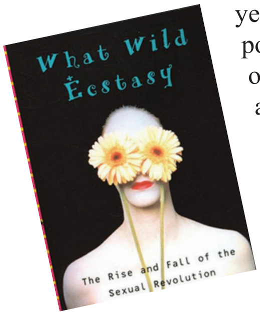

year, Kevin Jennings was appointed to the post. Jennings's career to date had consisted of founding and expanding the Gay, Lesbian, and Straight Education Network (GLSEN), whose business is to teach school children that gay is just as good as straight. Reporters delving into GLSEN's "recommended reading" lists for K–12 have emerged dazed and horrified. The GLSEN folk seem particularly keen to promote an activity unmentionable in a family magazine, but described in *What Wild Ecstasy*, John Heidenry's 1997 book about the sexual revolution, as "the first original sex practice in centuries." Apparently our schools are to be safe: for aggressive, unrestrained homosexualist propaganda.

■ The Foley Square federal courthouse, standing in what was once the shadow of the Twin Towers, dubiously served as counterterrorism's central command throughout the 1990s, when the jihad was treated as a crime wave rather than a war. On a cold, rainy Saturday this December, a large crowd, made up mostly of New Yorkers, gathered outside that courthouse to protest the Obama administration's decision to give the 9/11 plotters a civilian trial there. The protesters heard a moving letter from Ruth and Judea Pearl, whose son Daniel was brutally murdered by Khalid Sheikh Mohammed, the 9/11 mastermind who is to be the travesty's lead "defendant." Also featured were survivors of the suicide-hijacking attacks, the families of those who did not survive, representatives of the firemen and policemen who gave their lives to save others that day, and veterans of our armed forces. The passion was impressive, all the more because it cut across the partisan and ideological divide. It was the passion that gripped Americans in the aftermath of September 11, spurred by a government determined to go back to September 10.

■ When a congressional committee investigating the White House state-dinner crashers considered asking Desiree Rogers, President Obama's social secretary, to testify, the administration responded with a blanket refusal. "Based on separation of powers," explained press secretary Robert Gibbs, "staff here don't go to testify in front of Congress." Obama's view of this question was different in 2008, when President Bush tried to invoke the same principle for his aides and a certain Illinois senator called his position "completely misguided." What makes Obama's sudden conversion even more implausible is that Bush asserted executive privilege only for a handful of his most senior advisers: Harriet Miers, Josh Bolten, and Karl Rove. Candidate Obama scoffed at even that limited exemption—but now President Obama claims constitutional protection for his social secretary. Surely James Madison is smiling down from Heaven.

■ On the subject of banking, Barack Obama is in a debate with Barack Obama. (We hope he loses.) With unemployment persisting at painful levels, President Obama casts himself as the scourge of the "fat cats"—he has taken to the language of vacuous populism—castigating banks for making too many risky loans. At the same time, he dressed down a group of bankers, demanding they make more loans, which means riskier ones. Obama is correct that banks have restricted lending, and that this is a factor in unemployment. Banks are chary because they have been run through the wood-chipper, by the markets and by Obama, for making too many risky loans, e.g. subprime mortgages. Banks are especially unkeen on real-estate risk, so mortgage lending and refinancing are tight. The *New York Times* calls that a "volatile political issue," which it is, largely because Obama & Co. are making it one. But our Janus-faced president cannot have it both ways: If the banks are to take on less risk, they must do so by raising their lending standards. That means fewer mortgages, especially for ACORN types without much cash or credit. It means tougher requirements and higher fees for mortgages and refinancing. It also means less credit for start-ups, small businesses, and business development—and that means fewer new jobs. Obama demands "extraordinary" lending, which is precisely what got us into this mess to begin with. Flip a coin, Mr. President.

■ Underneath the din of the bailouts and the stimulus and the health-care debate, the Democrats quietly continue to expand the federal government in less obvious ways. Regular appropriations will increase discretionary spending (the part of the budget not consumed by Social Security and other entitlements) by 8 percent for the third consecutive year. By way of comparison, its annual rate of growth under Bill Clinton and the GOP Congress was 3.4 percent. Democrats, including Obama, blasted Republicans for spending wastefully during the Bush years. They singled out the practice of earmarking funds for pork projects, but the past three years have seen no abatement in the number of earmarks attached to spending bills, nor in their wastefulness. The most recent omnibus spending extravaganza contained over 5,000 of them, totaling nearly $4 billion. The deficit has more than tripled in a single year, entitlement spending is projected to double by 2050, and plans are in the offing to raise the debt ceiling by $2 trillion. This would bring the total debt close to 100 percent of GDP. What we have here is a government in deep denial about the state of its balance sheet, and no one to bail it out—until we all are forced to do so.

■ Barney Frank is a man immune to irony. Under his guidance, the House has passed a 1,279-page bill that, among other things, creates a new "consumer protection" agency. Said agency will, in the words of the *New York Times*, "be responsible for making sure that marketing and financial disclosures are easy for consumers to understand, for conducting financial literacy education and research," etc. Congress is of course famous for producing easy-to-understand 1,279-page documents, and its financial literacy is the stuff of legend. Frank's legislation is a hand up the skirt of the banking industry, but it will do very little to protect consumers when they are most vulnerable: Financing from car dealers, for example, would be exempt, as would most loans from smaller banks, credit unions, etc. But the bill, written to preempt state laws, would give Washington an even stronger hand in micromanaging the national banks and large regional banks, deepening the already dysfunctional symbiosis of Wall Street and Washington. It creates a raft of new bureaucracies in addition to the consumer-protection agency, imposes vast new regulatory burdens on the financial-services industry, and interferes with the independence of the Federal Reserve. The one defensible idea that Frank has offered is to create an FDIC-style resolution authority that would charge an insurance premium to "too big to fail" institutions, offsetting the government's implicit subsidy of them.

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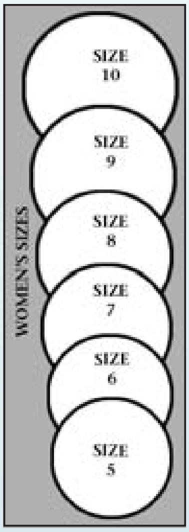

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If that idea is to advance, it should do so on its own, after this legislation has been strangled in the Senate.

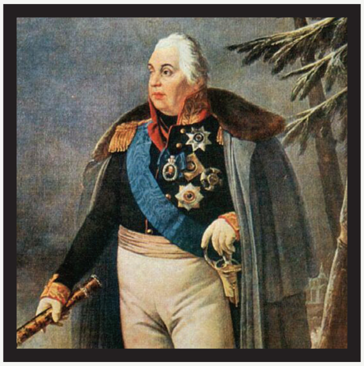
■ Sen. Jim DeMint (R., S.C.) has been a man on fire of late: rallying tea-party protesters, lambasting immigration laxity, denouncing bailout shenanigans, and generally disturbing the sleep of congressional Republicans. Good on him. He plans to vote against the reappointment of Ben Bernanke to the chairmanship of the Fed, and, though we are more sympathetic to Mr. Bernanke, Senator DeMint's criticism of the Fed's role in creating the housing bubble has merit. The one initiative on which we sharply part company with the senator is his signing off on Ron Paul's crusade to involve Congress in the Fed's monetary-policy decisions. There are excellent reasons to insulate the Fed's workaday monetary operations from the political winds sweeping down from Capitol Hill. The audit-the-Fed campaign is not about opening the Fed's books, but about extending Congress's meddlesome reach, a project that promises destruction. It is Congress, not the Fed, that drives us into debt, and Senator DeMint would do better to stand athwart appropriations than to expand the congressional portfolio.

■ With a wary eye toward the 2010 elections, Democrats are starting to craft another stimulus package. Obama has laid out a number of proposals, and not all of them are objectionable: His support for suspending the tax on profitable small-business investments is welcome and overdue. But for the most part, the new stimulus would give additional life (and funding) to bad

'Dans le doute, abstiens-toi'

THAT'S "Kutuzov's maxim," as Albert Jay Nock called it. General Kutuzov, my favorite character in *War and Peace* (yes, I actually read it, not just the Classic Comics version), understands that what is difficult and costly in the here and now may become simple and cheap with the proper application of time. Hence his maxim: When in doubt, do nothing.

"The strongest of all warriors," says Kutuzov, "are these two: Time and Patience." Dismissing a rival general's accomplishments, Kutuzov rails: "Kamenski would have been lost if he had not died. He stormed fortresses with thirty thousand men. It is not difficult to capture a fortress, but it is difficult to win a campaign. For that, not storming and attacking but patience and time are wanted."



MIKHAIL KUTUZOV BY GEORGE DAWE

Patience with life-as-it-is may be the single, defining conservative virtue.

Elsewhere in this issue, I write about Richard Ely, an emblematic progressive who agreed with Condorcet's declaration that there is "a science that can foresee the progress of humankind, direct it, and accelerate it." At its philosophical core, that is what progressivism means: Putting your shoulder to the wheel of history and trying to speed up God's plan as you see it (though these days God is often replaced with History or Science or a Demiurge To Be Named Later). The problem is that some things cannot be sped up. Try baking brownies for half the recommended time if you don't believe me.

One can glimpse progressive confusion on this point in any number of controversies. For example, activists insist that because gay marriage is "inevitable," we must hurry as quickly as possible to implement it everywhere.

There are two problems with this reasoning. The first: Just because something is inevitable doesn't mean you should cave in to it immediately. We will all die one day, but that's hardly a case for suicide. The second: Inevitability is not necessarily an argument for premature action. Victory in WWII may have been inevitable, but that doesn't mean the Allies should have hurried to invade Normandy in 1942.

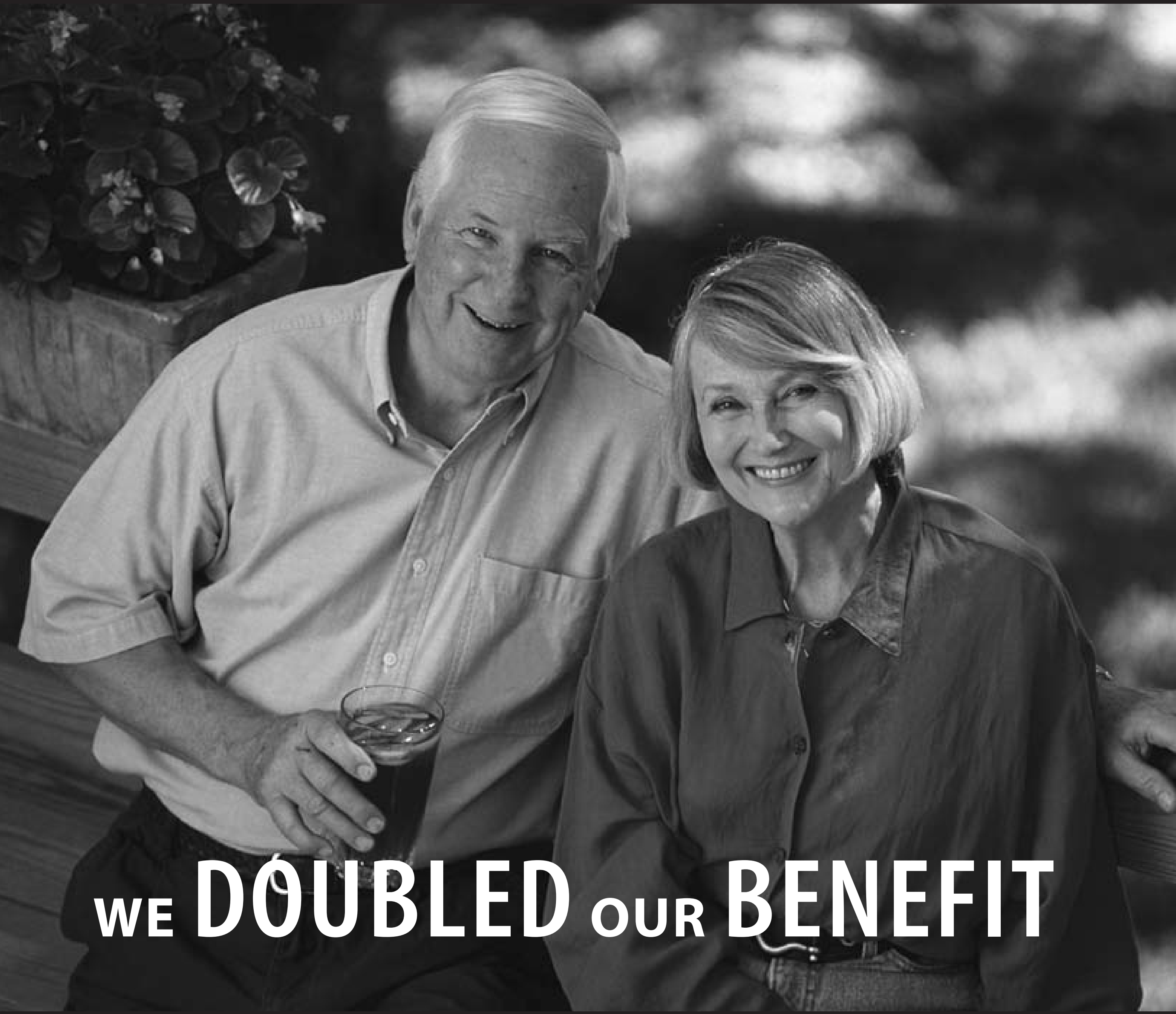
Even if gay marriage is inevitable—and that's still a very open question—rushing it into existence now may damage established institutions far more than doing it a generation from now. Resistance to a change usually has the salutary effect of sharpening the arguments for the change and better educating the public about its necessity. Hence Burke's admonition: "I must bear with infirmities until they fester into crimes." If we had banned child labor in 1800, it would have caused terrific economic upheaval. Instead, we banned it a century later, when the practice was close to disappearing, thanks to advances in education and technology. Sometimes society decides it's ready for something only when the social costs are clearly tolerable.

Waiting is a potent weapon because, thanks to technological advances and economies of scale, what is expensive now usually gets cheaper—and better—down the road. Cell phones were clunky luxuries in 1990; now they're streamlined stocking stuffers.

Global warming is a great example. The warmists insist that we must pay trillions of dollars now to reduce global warming by a tiny amount a century from now. People of a conservative bent may concede all, some, or none of the science behind global warming, but even if they buy the warmists' diagnosis, they understand that waiting for the costs of remediation to drop is the wisest course of action.

Such arguments enrage the progressive mind, because the progressive mind is fundamentally religious. It sees the will of God and feels compelled to act immediately. The conservative mind is humbler about such things, and happier with life as it is, and therefore patient.

—JONAH GOLDBERG



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ideas from the old stimulus. Transportation projects are slow and inefficient vehicles for job-creation, and green-energy subsidies siphon the nation's resources into uses of dubious value. Even more objectionable is the method the Democrats would use to pay for this new spending. A rally in the stock market has enabled some banks to repay the money they took as part of the Troubled Asset Relief Program (TARP), which in turn has led the administration to downgrade its estimate of this year's deficit by $200 billion (from $1.5 trillion to $1.3 trillion). The Democrats would fund their new stimulus bill out of these "savings." The bill would not, they claim, add to the deficit. This bit of gimmickry requires no further elucidation: To state it plainly is to illuminate its absurdity.

■ This may be the Great Recession for the 15.4 million Americans out of work, but it is the Roaring Aughts inside the Beltway, where the federal bureaucracy has *added* 13,000 jobs in the last year and the number of civil servants making over $100,000 has doubled since the beginning of the recession. The most dramatic increase came in the Transportation Department, where the number of employees earning over $170,000 increased by 16,900 percent over the last 18 months. During the same period, the Defense Department saw a fivefold increase in the number of employees earning $150,000 or more, after new merit-pay rules took effect and there emerged far more merit around the Pentagon than Congress had anticipated. Across the board, the pay bonanza has pushed the average federal worker's pay to $71,206—not including an estimated $41,000 in non-salary benefits—while the average private-sector salary sits at $40,331. And Washington's good fortune does not end there. The D.C. area received a number of stimulus dollars per capita that was nearly ten times the national average, creating an estimated 407,000 jobs for its government contractors, and keeping its unemployment at 6.2 percent, far below the national rate. Perhaps we've been wrong all along. Big Government *does* pay.

■ After promising that the D.C. Opportunity Scholarship Program—which provides school vouchers to inner-city children—would get a fair hearing, congressional Democrats buried a provision deep within their huge spending bill that bars new students from participating. While presented as a "compromise," this is most likely the first step in killing the program entirely. As the *Washington Post*'s editorial board noted, "The number of students participating in the program has already shrunk from more than 1,700 to 1,319, and the nonprofit that administers the scholarships has said that it may have to pull out because the conditions would be untenable. It's also possible that some schools that now enroll voucher students could be forced to shut down." All hope is not lost—the president hasn't signed anything yet, and supporters of the program promise not to give up—but this was a significant defeat. The president and his allies in Congress may claim to champion the disadvantaged, but somehow the teachers' unions always end up being more important to them than poor children.

■ More complicated than climate science, less fair than a Daily Kos reader poll, and shakier than Harry Reid's budget math, the BCS method for ranking college football teams is universally, and quite properly, regarded as a joke. Perhaps the only thing crazier than using a formula to decide who will play for the national championship is trying to ban it with an act of Congress—yet that's what a House subcommittee has voted to do. Rep. Joe Barton, upset that TCU's undefeated Horned Frogs got shut out of this year's championship, led that effort; meanwhile, in the Senate, Orrin Hatch of Utah (a state whose teams have been frequent BCS victims) threatens an antitrust investigation. Admittedly, the BCS is so opaque and misguided that even Congress could probably design a better system. But the notion that whenever something is wrong, the federal government can and should fix it, is more than just silly; it's pernicious. Otherwise reliable conservatives such as Barton and Hatch should know better than to abandon their principles for the votes of a disgruntled football fans.

■ The New York state senate rejected a same-sex-marriage bill by a vote of 38 to 24, eight members of the Democratic majority joining all 30 Republicans in opposition. The vote came on the heels of a Maine referendum repealing a gay-marriage law that the legislature had passed in the spring. Attention now turns to New Jersey, where pro-gay-marriage legislators hoped to rush through a bill in time to get the signature of lame-duck governor Jon Corzine (Governor-elect Chris Christie would veto any such bill). One supporter admits that the New Jersey bill has gone from "slam dunk" to "who knows?" The chief weapon in the arsenal of gay-marriage backers has been the argument from inevitability—who wants to be the Robert Byrd of gay rights?—but recent setbacks show that the same-sex-marriage tide ebbs if opponents lobby, and inform the electorate.

■ "You have been found innocent of the charge by a Limerick jury, and may leave this court with no *other* stain on your character." So went the old Anglo-Irish legal quip. John Gotti Jr., son of the late Gambino crime-family boss, was not acquitted by any of the last four juries to ponder federal racketeering charges against him, but he did leave them all deadlocked, with mistrials duly declared. The latest of the four occurrences was on December 1, when a federal jury in New York declared itself unable to reach a unanimous verdict after eleven days' deliberation. It is not clear whether federal prosecutors will attempt another trial. It seems that it is not easy to convict a man with a dangerous past—Gotti has admitted having been one of his father's lieutenants—in New York federal court. Does Khalid Sheikh Mohammed know this, we wonder? Does Eric Holder?

■ Thousands of Iranian students in Tehran and other cities are continuing the protests that followed the fraudulent presidential election in June. But this round of demonstrations shows a more radical edge. Chants link Ayatollah Khamenei with the shah—"Death to the oppressor, whether it's the shah or the leader!" Demonstrators wave Iranian flags, minus "Allah," a theocratic addition, and burn pictures of Khamenei and, in some instances, Ayatollah Khomeini himself. The reforming moderates who catalyzed the earliest protests are unwilling to go so far: Khomeini's grandson, a reformer, thinks the burnings of his grandfather's image are provocations. But masses of Iranians have lost patience with a regime both brutal and incompetent. The students' bravery is breathtaking: "Take my picture, film my face," one young woman taunts an undercover agent videoing her (you can see it on YouTube). "You can't silence me."

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■ Spooked by galloping inflation and an expanding black market, Kim Jong Il's government revalued the North Korean currency November 30. Citizens must exchange their 1,000-won banknotes for new 10-won bills. The nation's nomenklatura of high party officials are not much affected, since they have their assets in foreign currencies. Also unaffected are the starving, cowed masses, who have no assets, monetary or otherwise. It is the country's small middle class of semi-official traders and fixers who are taking the hit. They are not taking it passively: The authorities have shut down street markets after riots. In apparent concessions to the unrest, state-controlled prices are being revised, and the rules for converting old currency to new have been somewhat relaxed. All this comes on top of other troubles for the regime. Dear Leader Kim Jong Il is in poor health, and the succession is uncertain. Meanwhile, a planeload of Nork weapons, apparently headed for Pakistan, was forced to land in Thailand, whose government promptly impounded it under U.N. sanction rules (which were strengthened in June). Some governments have crises; North Korea's is a perpetual crisis.

■ Some on the left, including the notorious Bill Ayers, are very cross at President Obama for continuing the Afghan War. What could be the reason for their upset? During the presidential campaign, Obama said over and over that Afghanistan was the good war, whereas Iraq was the bad one. Afghanistan was the war of necessity, whereas Iraq was a terrible war of choice. In Afghanistan, we had to commit ourselves entirely, so as to win: no ifs, ands, or buts. Did Obama's left-wing supporters think the man was insincere? Did they think he was just faking this stance, for political and electoral purposes? If so they made a cynical bet, and their losing it should inspire no tears.

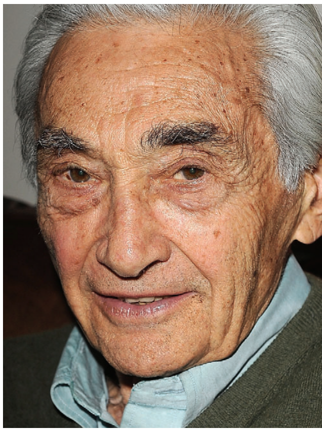
■ There has been an interesting break in a 50-year romance: that between American black political elites and the Communist dictatorship in Cuba. The dissident movement is filled with blacks, and so, of course, are the Castros' prison cells. But these facts have not disturbed the romance, until now. Sixty American black leaders signed a document titled "Acting on Our Conscience: A Declaration of African-American Support for the Civil Rights Struggle in Cuba." The occasion for this protest was the imprisonment of Dr. Darsi Ferrer. Among the signers were Jeremiah Wright, Cornel West, and Ron Walters. Why now? And why Dr. Ferrer, in particular, instead of Dr. Oscar Biscet or any number of other black political prisoners (or white political prisoners)? The answers are unclear. But the protest was welcome, if late, and it got under the skin of the dictatorship, which can be forgiven its surprise and pique.

■ Muntazer al-Zaidi is the Iraqi journalist who earned his place in the headlines by being rude to George W. Bush and chucking shoes at him. He did almost a year in prison for this, and ever since he's been trying to start a charity on behalf of "victims of the U.S. occupation in Iraq." Paris was the obvious place in which to bolster his militant reputation by holding a press conference. A kerfuffle followed when someone present stood up and in Iraqi Arabic defended U.S. policy, accused al-Zaidi of aiding and abetting dictatorship, and gave him a taste of his own medicine by throwing a shoe at him. It was al-Zaidi's turn to duck, and he didn't like it one bit, complaining that "the occupier and his lackeys" would stop at nothing to get him. Hustled out, the avenging shoe thrower took the precaution of giving his name only as "Khayat," but he had already proved that one Iraqi at least is able to spot the difference between freedom and tyranny, and is not afraid to say so.

■ In 2002, Stephen Boissoin, an Alberta minister, published in a local newspaper a letter disparaging "the militant homosexual agenda" and calling anyone who supported it "immoral." A high-school teacher named Darren Lund sued Boissoin under Alberta's hate-speech law, which forbids statements likely "to expose a person or a class of persons to hatred or contempt." The minister was ordered to apologize, pay Lund $5,000, and refrain from making any further anti-gay statements, even in private. Now a federal judge has overturned that decision, saying that while the letter was "jarring, offensive, bewildering, puerile, nonsensical and insulting," it did not meet the law's standard of being hateful or extreme. That still leaves room for Canadian zealots to punish statements they deem unacceptable, so the ruling is only half a victory; yet in the absence of an American-style right to free speech, it was probably the best that could be done. Afterwards, Lund complained that "the judge's ruling sets such strict standards for hate speech that this section [of the law] is rendered all but unenforceable." That's the point, Mr. Lund—and in the future, if you take exception to some unrestrained talk in a newspaper's letters column, try writing a response instead of calling a lawyer.

■ In two weeks, the Tiger Woods story went from a fender-bender to a hiatus in the greatest career in golf, with an X-rated reality show along the way. The ancient world had its professional athletes, but capitalism, democracy, and health-consciousness have made sports the pastime of millions and the obsession of thousands upon thousands of talented young men and women. Celebrity culture and 24/7 media meanwhile ensure that anything a star athlete does can be as public as teeing off at Augusta. In Tiger Woods a peerless talent was joined to a compulsive young man, uncontrolled everywhere except on the golf course. We hope fans will someday see the return of their hero. We hope even more that Woods can pull himself together, and that he and his family find some measure of happiness.

■ The History Channel aired a show called *The People Speak*, in which Howard Zinn gave his view of American history. This is the same view he gives in his bestselling books *A People's History of the United States* and *Voices of a People's History of the United States*. He's big on The People, you see, as all radicals are, or say they are. *The People Speak* was produced by Matt Damon, the Hollywood star who has long been a champion of Zinn's. Damon grew up near Zinn, in Massachusetts. If only he had grown up next to Paul Johnson . . .



GEORGE PIMENTEL/WIREIMAGE

■ This year saw the 50th anniversary of the Barbie doll, beloved plaything of two generations of little girls in the U.S. and elsewhere, though a hate object to angry feminists and other enemies of heteronormative tyranny. To mark the birthday, toy company Mattel, which owns the Barbie brand name, exhibited and

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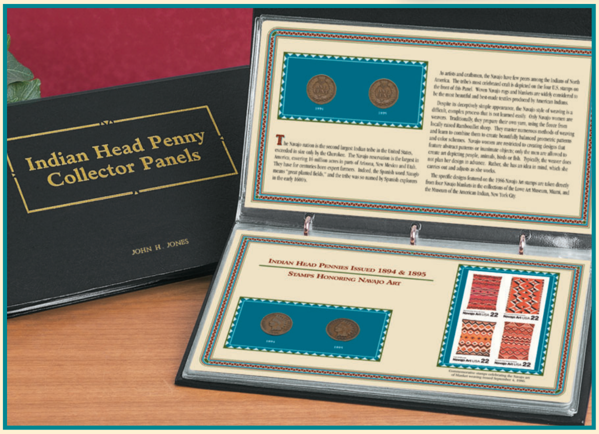
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auctioned 500 Barbies at the Salone dei Cinquecento in Florence, Italy. Included in the display were Barbies in traditional Islamic dress—burkas and chadors. We await the appearance of Jihadi Ken. And then, perhaps, an accessory stoning kit in case Barbie should go astray.

■ Through the decades, NATIONAL REVIEW has been blessed to have many talented and dedicated people, starting with its late founder. One of those people is now retiring. He is John Virtes, a New York native who began with NR in April 1976. Ford was president, and the country's bicentennial was a few months off. John has been our librarian and research director, and is a master of facts. He has done his best to keep us honest, for facts are stubborn things, as an early president (John Adams) said, and a later president (Reagan) liked to repeat. John is a thorough professional, and a friend to his colleagues. His knowledge of music, by the way—particularly rock—is almost unbounded. We would put him up against anyone at *Rolling Stone*. One of John's favorite phrases is "Good enough," as in, "Okay, thanks, got it." He has been more than good enough, much more, and this magazine thanks him heartily.

■ Paul Samuelson was the last of the giants of post-war economics and the first American to win the Nobel prize in his field. One or two of his intellectual achievements would have earned him a place in the economists' Valhalla, but Samuelson's well was deep, and the breakthroughs kept coming: Welfare economics, international trade, and consumer behavior were among the subjects laid open by the blade of his calculus. The language of modern economics—"public goods," "revealed preferences," etc.—is to no small extent his coinage, and few men dominated the pedagogy of their subjects the way he did; you hadn't read economics if you hadn't read his *Economics*. Samuelson popularized the ideas of John Maynard Keynes, and, as in the case of Keynes, his genius was no inoculation against public-policy folly: Though he was a withering critic of formal Marxist economics, he misunderstood socialism and argued that the Soviet economy was proof that such a system could thrive. No friend of the effort to limit government, he lent his prestige to the campaign against the Bush tax cuts. He was an early opponent of Milton Friedman's monetarism, though his views evolved. Some lament his mathematicization of economics, but none denies the rigor of his work. Dead at 94. R.I.P.

ONE THIN SEPTEMBER SOON

One thin September soon
A floating continent disappears
In midnight sun

Vapors rise as
Fever settles on an acid sea
Neptune's bones dissolve

Snow glides from the mountain
Ice fathers floods for a season
A hard rain comes quickly

Then dirt is parched
Kindling is placed in the forest
For the lightning's celebration

Unknown creatures
Take their leave, unmourned
Horsemen ready their stirrups

Passion seeks heroes and friends
The bell of the city
On the hill is rung

The shepherd cries
The hour of choosing has arrived
Here are your tools

—AL GORE

COMMENTARY

Phonetically, this is an extraordinarily sterile poem. There is no detectable rhyme, meter, cadence, or rhythm; no alliteration, assonance, or refrain; no effort at euphony or cacophony; no onomatopoeia. The poet has shown remarkable restraint in declining to employ any of the traditional devices of poetic diction. A charitable explanation might be that he wishes his poem to mirror the desolation of a world ravaged by climate change.

The poet has placed all his bets on figures, imagery, and allusions, but even the best of these are feeble. Most are poorly set. "Continent" is, I think, an acceptable conceit for the Arctic ice cap; but the "shepherd" in line 19 is conceit of a different kind. We hear a faint echo of *Paradise Lost* ("that shepherd who first taught the chosen seed . . .") and laugh, or groan.

"Neptune's bones" seems to refer to the calciferous or siliceous parts of marine animals; but these hard substances dissolve only in very strong acids—concentrated hydrochloric or sulphuric for preference. Oceanic pH levels are nothing like that low, even in the direst forecasts of climate-change alarmists. The dissolving of Neptune's bones might be allowed as hyperbole, except that the whole tone of the poem is already sufficiently hyperbolic.

Allusion is the poet's strongest card, but it is clumsily played. Should we take "the city / On the hill" to be an enjambed reference to Matthew 5:14, or to later evocations by John Winthrop and Ronald Reagan? It is not clear. The horsemen of line 15 are presumably saddling up to ride out from the Book of Revelation; but then they are agents of *human* calamity, so they don't really belong with those "unknown creatures." There just isn't room in a three-line, eight-beat stanza for sharp turns like that. "Hard rain" calls to mind Bob Dylan's 1963 song "A Hard Rain's A-Gonna Fall." That concerned nuclear war, though, so the allusion loses much of its power by leaving the reader's mind reflecting on the transient, faddish aspect of popular apocalyptic concerns—surely not what the poet intends.

The poem is at least well structured. Each of five stanzas describes some aspect of climatic catastrophe. A sixth stanza suggests wakening collective alarm; a seventh calls us to action, and states the purpose of the book in which the poem is embedded. It's a shame that the poet, having settled on such a suitable framework, did not place his words with more skill, and disdained altogether those phonetic devices that leave a good poem reverberating in the mind's ear.

—JOHN DERBYSHIRE

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HEALTH CARE

Holy Fools

SEN. HARRY REID has been a kind of reverse Houdini, with a talent for getting into traps. To appease Democratic moderates he proposed to drop the public option, which made liberals furious. To get back in their good graces he suggested expanding Medicare by letting people as young as 55 participate in it—but that led Sen. Joe Lieberman to threaten to join Republicans in a filibuster. If Reid manages to cobble together a deal that gets 60 votes, he may find that it cannot win majority approval in the House. The Senate and House do not, for example, see eye to eye on abortion funding. And if Reid and Nancy Pelosi somehow squeak something through Congress, they may walk into the biggest trap of all. They will have pushed through a major, unpopular piece of legislation on a party-line vote.

Democrats seem to be reconciling themselves to losing seats in order to achieve their health-care ambitions. A few ended political careers will be the price of progress. This attitude would be admirable were it not delusional. This legislation will not reduce health-care costs; the Obama administration's own actuaries have just reported that it will increase them. It is unlikely to make Americans healthier: The evidence tying extensions of insurance to improved health outcomes is surprisingly weak. Insurance will reduce the financial anxiety of some people, but others will find theirs increased. Some will still lack insurance but now have to pay a fine for the privilege. Some will be paying higher premiums and taxes.

The Medicare buy-in that Reid proposed is the perfect distillation of the Democratic approach. It would expand a program that is already facing insolvency. Similarly, the bill attempts to achieve cost control by empowering the Medicare and Medicaid bureaucracy to drive hard bargains—a policy that has been tried, and has failed, for decades.

Ramming through complex, far-reaching, and unpopular legislation on a party-line vote would be unprecedented, and if it happens it should call forth an equally unprecedented response. Federal programs tend to last regardless of their results. This time, Republicans should commit themselves to not letting that happen. If anything resembling the current health-care legislation passes, Republicans should spend the next two election campaigns vowing to repeal it. We should both deny liberals their cause and give them their martyrdom.

CLIMATEGATE

Hot Mess

THE Copenhagen climate summit devolved into an international farce, an episode of *Carbon-Police Squad!* as ridiculous as anything directed by David Zucker. In the run-up to the summit, hacked e-mails from Britain's Climatic Research Unit (CRU) depicted the scientists behind the alarmism as a cabal of bickering egotists and corner-cutters. Then another leaked document, the so-called Danish Text, angered developing nations and threatened to unravel the summit almost as soon as it began. At press time, Obama is about to depart for Denmark, a planned appearance that the media have interpreted as a sign of his confidence in the summiteers' ability to reach a deal. We think it looks more like his last trip to Copenhagen, when he mistakenly thought his personal charm would persuade the International Olympic Committee to let Chicago host the 2016 Olympics.

Let's review the comedy, scene by scene. In the wake of the e-mail scandal, the head of the CRU stepped down. Other institutions whose scientists were involved launched investigations. Yet some professional climate-change activists stamped their feet and decried "deniers" for launching a "smear campaign" that took the e-mails out of context. Others admitted that the e-mails were clear evidence of sloppiness and groupthink but nothing that altered the "scientific consensus" that global warming is caused by humans and presents a grave threat to the world.

In fact, the e-mails do call the most alarmist claims into question. In particular, they show collusion between several scientists to overstate the evidence for the argument, made by Penn State University's Michael Mann, that "the 1990s are likely the warmest decade, and 1998 the warmest year, in at least a millennium." This claim was allegedly supported by Mann's famous hockey-stick graph showing a sharp increase in global temperatures. The CRU e-mails demonstrate that some scientists were castigated for voicing doubts about Mann's work, while others emulated the "trick" he used to "hide the decline" in global temperatures indicated by tree-ring data.

Al Gore clocked in with the best attempt to wish this story away, telling *Slate*, "I haven't read all the e-mails, but the most recent one is more than 10 years old." Gore repeated this falsehood three times. *Slate* had to append a correction: Many of the e-mails were written in this decade, the most recent one in 2009. Gore got his facts wrong again when he told a crowd in Copenhagen that one climatologist had predicted a 75 percent chance that the polar ice caps would be completely melted in five to seven years. When told of Gore's claim, the climatologist in question said that he predicted the caps would melt a lot, but not completely. Al Gore, exaggerate? Nah . . .

The laughs continued at the summit, where the release of the Danish Text revealed the existence of a Bilderbergesque "circle of commitment" among developed countries. The text left the developing countries outraged, because it called on them to sharply cut their greenhouse-gas emissions; they would prefer to sign an airily nonbinding commitment to reduce the rate at which their emissions are growing. The leak prompted China and the bloc of poor countries it leads to stage a huffy walkout. After much cajoling from the leaders of the Western democracies, the China bloc has reluctantly returned to the table, but the atmosphere at the summit remains uncomfortably warm. Chances that negotiators will produce anything other than hot air appear to be slim.

Back at home, things are a lot less funny. The Environmental Protection Agency has issued an endangerment finding declaring that global warming is a hazard to human health, and a wrongheaded Supreme Court decision gives it the authority to protect us all by regulating our carbon emissions (for the details, see Iain Murray's article on page 26). The Obama administration has so far used this finding only as a stick to beat congressmen into passing a cap-and-trade bill that they seem to prefer not to pass, but there is a chance that the EPA means business and fully intends to strangle the economy by ukase. There's a thin line separating comedy and tragedy; enforcement of the EPA finding would send the climate farce hurtling across it.

EDITOR'S NOTE: The next issue of NATIONAL REVIEW will appear in three weeks.

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The course does not require any special knowledge or training in logic or rhetoric.

About Your Professor

Professor David Zarefsky is the Owen L. Coon Professor of Argumentation and Debate and Professor of Communication Studies Northwestern University, where he has taught for more than 30 years. The Student Government of Northwestern has elected Professor Zarefsky to the Honor Roll for Teaching 13 times.

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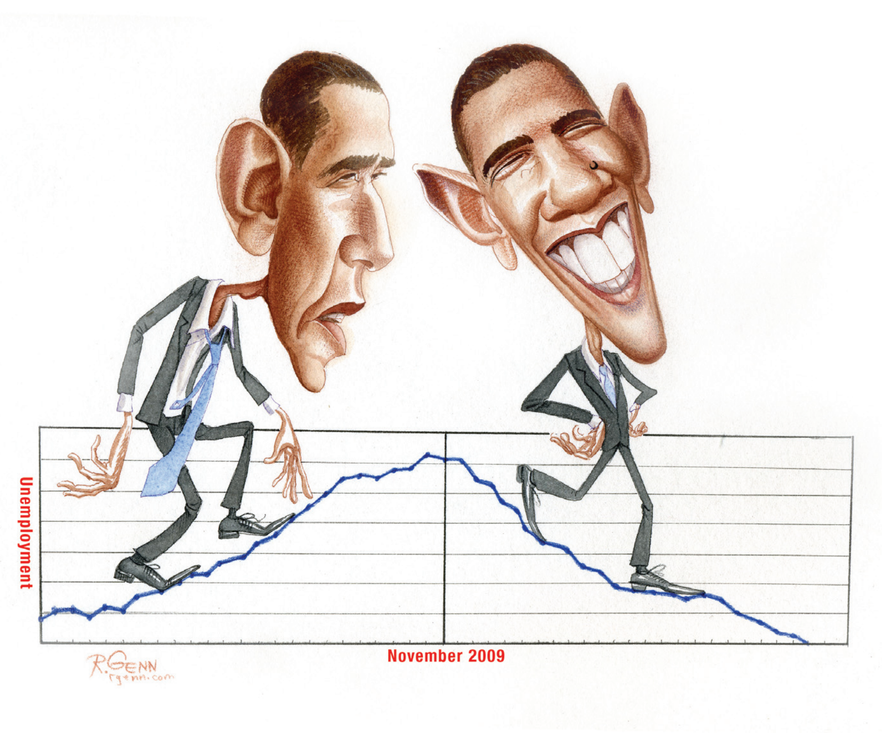

Growth Is Not Enough

Conservatives need to present a comprehensive economic agenda

BY RAMESH PONNURU

On hearing that the unemployment rate had finally started to drop, conservatives and Republicans were stony-faced. On December 4, the Department of Labor reported its initial estimate that the economy had lost only 11,000 jobs the previous month, the fewest since December 2007. The unemployment rate had dropped from 10.2 to 10 percent.

John Boehner, the House Republican leader, issued a press release accentuating the negative. He quoted a Republican economist: "Any single report is inconclusive . . ." Jobs were still being lost; the unemployment rate had fallen only because some people had stopped even looking for work; fully 52,000 jobs were temp work. Speaking on Fox News, columnist Charles Krauthammer also dwelt on the "caveats," noting for example that previous months' reports had had to be revised and predicting that this one would be too. James Pethokoukis, another conservative columnist, posted on his Reuters blog "12 reasons the job market is worse than you think." ("Single month dips are common . . .")

The caveats are real, but there are caveats to the caveats. The initial reports about September and October turned out to exaggerate job losses. If the report about November is also revised upward, it could show job gains. Temporary work can be expected to surge in the early part of a recovery, when businesses start to see higher demand but remain nervous. The ratio of discouraged workers to people who are looking for work but can't find it is not especially high right now. If the economy recovers—and the trend line of recent unemployment reports, along with a lot of other economic data, strongly suggests that recovery has begun—both groups will shrink.

The reaction to the jobs report shows that conservatives and Republicans are inclined to discount good news and play up bad news. This inclination may seem to be smart politics given the high unemployment rate and public dissatisfaction with the economy. But it could turn out to be unwise.

Republicans assume that unemployment will still be high in the congressional elections next November: that even if the economy recovers, it will be a "jobless recovery." They further assume that unemployment numbers will doom the Democrats. Both assumptions are open to challenge.

Let's take them in reverse order. The evidence that elections turn on unemployment is surprisingly weak. None of the major formulas that economists have used to predict presidential elections includes unemployment as a variable, although some of them do consider inflation, growth, and other economic statistics.

Many people ascribe the Republicans' loss of 26 seats in the House elections of 1982 to the high unemployment rate at that time. At 10.8 percent, unemployment in November 1982 was higher than in any other election since World War II. The next-highest unemployment rate was 7.9 percent in 1976. But Michael Barone has estimated that 15 of the Republicans' seats were really lost, even in that horrific economic environment, to redistricting. The party's strength in the Senate was unchanged that year. And 1982 is the last congressional election in which unemployment has been said to be decisive. Inflation and growth affect more voters than unemployment does—even in recession years—and they may therefore affect election outcomes more, too.

More important, none of us knows what the economy will look like next fall. The conventional wisdom has been that this recovery will conform to the pattern of slow job growth set by the early stages of the last two, which started in 1991 and 2001. But there is some reason to think that sharp recessions tend to be followed by strong recoveries (as happened soon after those 1982 elections). And in any case, the conventional wisdom expected the November jobs report to be much worse.

The dangers for Republicans should be obvious. Their message now is that Obama's policies are failing because unemployment is high. If unemployment starts to fall rapidly, Obama will, as president, naturally reap some of the credit. But he will reap an extra share because the Republican message will be discred-

ROMAN GENN

ited. Worse, Republicans could start to give the impression that they are rooting for continued economic pain for the sake of political gain—an accusation that the president is already making.

In 1993, Republicans argued that President Clinton's tax increases would ruin the economy. When the economy proceeded to boom, it seemed to validate Clinton's entire economic philosophy. The Republicans would have done better to make the more defensible claim that the tax increases would reduce the long-term growth rate. The analogue today would be to say that Obama's program will cause the recovery to be weaker than it would otherwise be, and that the current policy mix is likely to yield inflation.

Two of the sharpest and most energetic conservative Republicans, Reps. Jeb Hensarling and Paul Ryan, took this tack in a recent op-ed for the *Wall Street Journal*. "Many investors are reaching the conclusion that this administration and Congress favor policies that virtually guarantee the economy will not return to the climate of low interest rates, benign inflation and strong growth that we knew from 1982–2007," they wrote. "When you repeal the Reagan economic program, you repeal its results."

A broad focus on economic growth, rather than a narrow focus on jobs, has served Republicans well during the past generation. But returning to a Reaganite politics of growth, while an improvement on a platform of pessimism, is unlikely to be enough to bring about a Republican restoration. The public may look back fondly at life before the recession, but at the time, the "Bush boom" did not inspire enthusiasm from the voters.

That's because for a lot of people it didn't feel like much of a boom. The low interest rates, low inflation, and strong growth that Hensarling and Ryan rightly celebrate turned out to be compatible with wage stagnation. According to the Census Bureau, median household income fell every year from 1999 through 2004, rose a mere 3.2 percent over the next three years, and then fell again. The latest figure is for 2008, and it shows Americans with a lower median household income than they had in 1998.

A common left-wing analysis of this stagnation holds that wages are not keeping up with productivity growth, as they are supposed to. It follows that workers' bargaining power needs to be bolstered,

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most importantly by strengthening unions. Economist Robert Gordon of Northwestern University has recently found, however, that correcting some statistical distortions eliminates almost all of the gap between productivity and wage growth. There is no reason, for example, that productivity growth in the private sector should match wage growth in the whole economy; lack of productivity growth in the public sector must also be factored in.

Other analysts argue that the problem is that productivity itself has been growing too slowly. Economists Claudia Goldin and Lawrence Katz have published an influential book arguing that an important reason for rising inequality is that in recent decades American educational attainment has not been rising as fast as it once did. They advocate policies to increase the percentage of Americans who receive college diplomas. Their work may shed light on the problem of wage stagnation, too. But in a review of their book, economists Arnold Kling and John Merrifield poked some holes in their thesis. In the first place, it is not clear that encouraging more schooling is an efficient way to increase skill levels; and the growth in graduation rates between 1950 and 1970 could not have kept going forever, as a matter of simple mathematics. (The graduation rate, that is, cannot exceed 100 percent.)

Conservatives who look at the statistics typically minimize the problem. They point out that the decline of marriage rates makes median household income lower than it would otherwise be. Replace one household making $70,000 with two making $35,000 apiece; nobody's wage has to drop but the median will.

Conservatives also often argue that consumption is the best measure of economic welfare. Kevin Hassett and Aparna Mathur of the American Enterprise Institute have explained in these pages that middle-class consumption grew even during the Bush years. Updated figures they supplied to NR suggest that middle-income households increased their consumption by 11 percent between 2001 and 2007. Debt surely financed some of this increase.

But it's also worth noting that health care represents a large and growing chunk of that consumption. Most people get their insurance through their job. Employers nominally pay a large share of insurance premiums, but in reality, that employer expense is a part of compensation that could have gone to wages. The evidence strongly suggests that over the last few years rising health-care costs have eaten up what would have been raises. In other words: Total compensation has been rising, but not take-home pay. It is no coincidence that some of the best years for wage growth in recent decades came in the late 1990s, when HMOs slowed the growth of health-care costs.

The growth of employee benefits at the expense of wages constitutes both an economic and a political problem. The economic problem is that much of the spending is inefficient. If people were free to dispose of their total compensation as they saw fit, with no tax breaks encouraging medical spending, they would be better off as they spent less on health care and more on everything else.

The political problem is that this increased compensation, because it has not taken the form of raises, has been invisible to most people. People do not feel better off because their employer is spending more on their health insurance. This could very well be a problem for Obama: If he fails to restrain health-care costs, even a strong and job-full recovery will not generate the wage growth people want. In the long run, though, the political problem for conservatives is deeper. It is hard to see how a political consensus for pro-growth policies such as free trade and a reduction in corporate income taxes can be built in the absence of rising take-home pay.

Conservatives should therefore pursue the right kind of health-care reform not merely as a way of staving off socialized medicine or even of improving the health-care system. Such reform is an indispensable piece of a conservative economic agenda, in a way that it wasn't in 1980.

In his February address to Congress, President Obama said, "The fact is, our economy did not fall into decline overnight. Nor did all of our problems begin when the housing market collapsed or the stock market sank. . . . Now is the time to act boldly and wisely—to not only revive this economy, but to build a new foundation for lasting prosperity." In this diagnosis, if not in his prescriptions, Obama seems closer to the mark than his conservative critics. **NR**

Jobs Up North, Jobs Down Under

Why do Canada and Australia beat the U.S. on employment?

BY KEVIN D. WILLIAMSON

GENERAL MOTORS is hiring. In Canada. In what must have been a vexatious development for Barack Obama, who moonlights as de facto chairman of GM and a dozen other ailing U.S. companies, Canada announced that its economy added five times as many jobs as expected in the month of November—nearly 80,000 new jobs. Those holiday tidings of comfort and joy came on the very day that the Obama administration was desperately trying to spin the evaporation of 11,000 U.S. jobs during the same month as good news.

GM wasn't a huge driver of Canada's employment recovery, but the firm is investing a load of loonies ($90 million Canadian) to expand capacity at its plant in Ingersoll, Ontario, where it will build good old-fashioned, ungreen, gas-guzzling SUVs: the Chevy Equinox (22 mpg in the city) and the GMC Terrain (17 in the city with all-wheel drive and the V-6). No solar panels on those suburban baby-haulers.

As of December, the official U.S. unemployment rate was hovering around 10 percent. The real rate of unemployment, which includes those who have given up the job hunt but would happily accept gainful employment if it were to fall into their laps, was thought to be around 17 percent. Canada's rate fell from 8.6 to 8.5. And the Australians were enjoying a jobless rate of 5.7, with the trend line pointing in the right direction: south.

It's a world gone mad: The Euro-welfarized 'Nucks are hard at work, their wages up 2.3 percent year over year, while the Aussies, who have a 45 percent top rate for personal income taxes plus a 5 percent payroll tax, are booming. But the rugged individualists toiling in the fields of freewheeling American capital-

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ism are suffering Gallic levels of unemployment. How can that be?

Job losses were pretty rough over the course of the recession, but we are not shedding jobs very quickly anymore. The number of job losses in recent months is, in fact, down around our historical levels. But there aren't new jobs. During normal economic times, there's a fair amount of churn in U.S. employment, with older firms shedding workers and new businesses picking them up. But the startups have gone missing, and that's bad news for American workers—worse, even, than they might think. The Kauffman Foundation recently ran the numbers and concluded that almost all of the net job growth for the United States in recent years has come from startups: "Until 2005, we knew that from 1980–2005, nearly all net job creation in the United States occurred in firms less than five years old," the authors write in *Where Will the Jobs Come From?* "This data set also shows that without startups, net job creation for the American economy would be negative in all but a handful of years. If one excludes startups, an analysis of the 2007 Census data shows that young firms (defined as one to five years old) still account for roughly two-thirds of job creation, averaging nearly four new jobs per firm per year. Of the overall 12 million new jobs added in 2007, young firms were responsible for the creation of nearly 8 million of those jobs." No new firms, no new jobs.

It's not the size and expense of government alone that has sent the United States downward in the economic-freedom rankings—it's corruption.

There will be no new firms without new investment, and that's the fundamental problem. Investors are terrified. The big guns are worried about the tax hikes that will be necessary should Obamacare pass, about new regulatory burdens like cap-and-trade, and, most of all, about the apparently boundless jurisdiction of Washington meddlers who have arrogated unto themselves the authority to micromanage every nut and bolt of the economy, from the design of cars to the size of Wall Street traders' paychecks. Individual investors are feeling the continued pinch of the recession and, rather than pouring money into their 401(k)s, are paying down consumer debts and thinking about rainy days.

Why aren't the Canadians and the Australians suffering the same fate? It's not like Canada and Australia didn't have housing bubbles, too. True, Canada was a little more reserved, and Canadian borrowers tend to have a bit more equity in their homes than do American homeowners, but the numbers aren't radically different. Highly urbanized Australia's housing bubble—called by one economist the worst in the English-speaking world—made much of the country look like Seattle during the dot-com boom, with the average price of a house in Sydney hitting nearly ten years' median income. Australian banks haven't been exactly prudish in their loan-to-value requirements, either. Canada and Australia had their stimulus packages—but they were smaller ones than the United States enacted. Keynesian pump-priming does not seem to be the relevant variable.

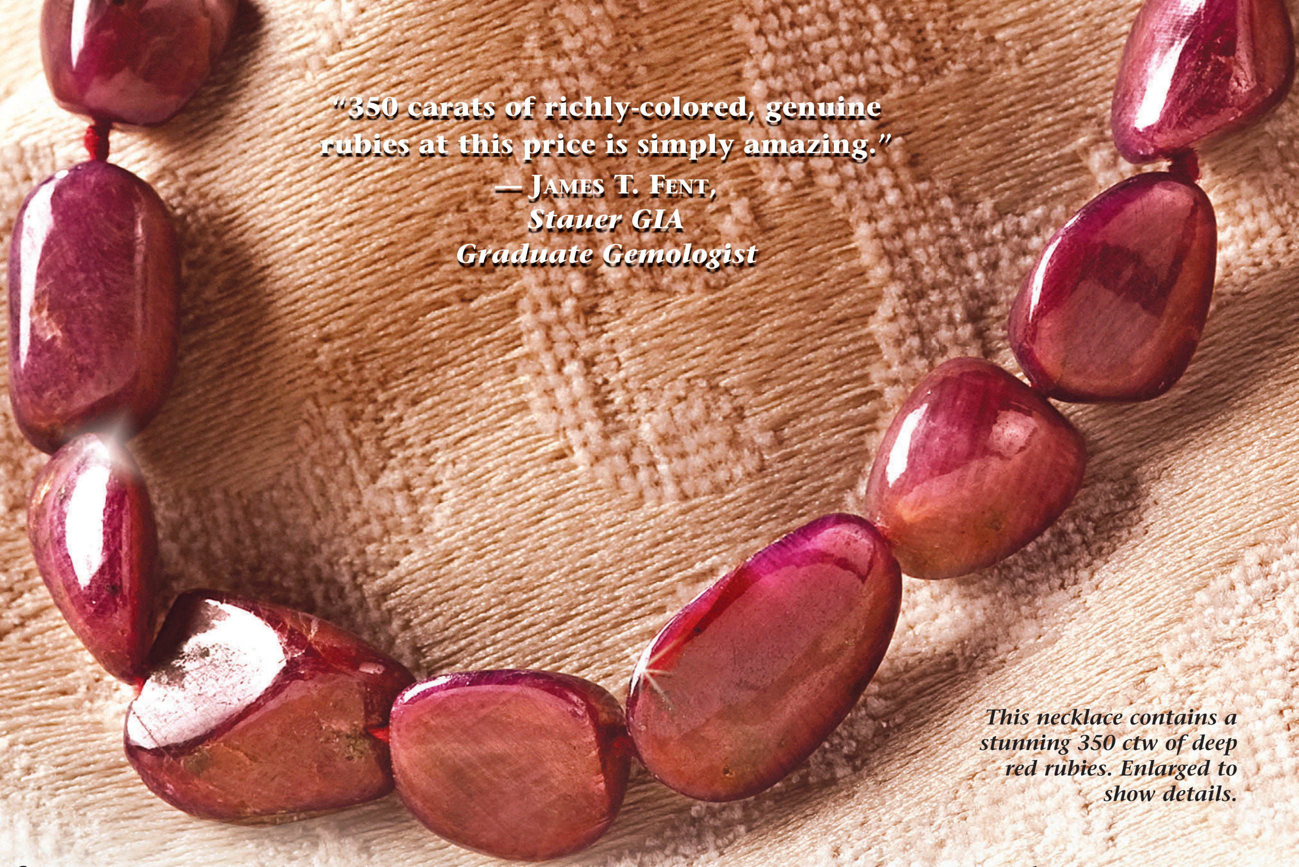
There are lots of explanations buried in the economic particulars, but the most potent factor seems to be: uncertainty. "There's a bunch of money sitting on the sidelines," says one investment manager, "because nobody knows what the hell they're going to do in Washington. So the banks are sitting on what they've got, repairing their balance sheets, and the more adventurous investors are looking for opportunities everywhere else, especially in vehicles where they think they may get some protection from their exposure to the dollar."

Politics is at play: The Economic Freedom Index, which is published by the Heritage Foundation and the *Wall Street Journal*, finds that Australia has one of the most free economies in the world: relatively low spending, transparent and responsible government, market-friendly institutions, free trade, etc. In fact, Australia now ranks ahead of the United States in its overall measure of economic freedom, in third place—behind only Hong Kong and Singapore. The United States is in sixth place, where it is nearly tied with No. 7 Canada, and its score is in decline. It's not so much the present economic-freedom rankings that are a cause of concern, but the direction of movement. Australia and Canada, like Hong Kong, New Zealand, and Denmark, are getting more free and moving up in the ranks. The United States is getting less free: The government is eating up a bigger share of the national economy, deficits are pumped up like a steroidal Jose Canseco, and the hypostomes of politics are extended ever more deeply into the tissues and organs of private enterprise.

"Australia and Canada have very stable policies," says Terry Miller of the Heritage Foundation, who helps calculate the Economic Freedom Index. "They did some fiscal-stimulus spending, but did it from a situation in which there was a balanced budget, or an almost-balanced budget. Australia had a surplus, but we have enormous deficits." The U.S. outlook is anything but stable: If Obamacare passes, or a second stimulus bill, those deficits are going to get even bigger.

Canada has a relatively big government compared with the United States, but it seems to work better—some countries, like Sweden, just do statism better than others. In spite of its larger welfare state, Canada beats its southern neighbor in such categories as "Business Freedom," which measures how difficult and expensive it is to start a new business or get a license, the self-explanatory "Trade Freedom," and "Fiscal Freedom," which measures taxation relative to the size of the economy.

One surprising finding: It's not the size and expense of government alone that has sent the United States downward in the economic-freedom rankings—it's corruption. "We're not talking here about outright bribery or petty corruption," Miller says. "It's the perception that the United States has a political system that is about rent-seeking and dispensing favors. Canada and Australia have different electoral processes, and very disciplined party structures, so they have less of that. It may not be illegal,



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but this kind of political bribery, with people buying access and Washington picking winners and losers, creates a perception about the U.S. that shows up in these corruption scores."

It shows up in investors' calculations, too. You might call it the Ethanol Effect or the Citigroup Codicil. Archer Daniels Midland, for instance, employs a lot of Democratic congressman Phil Hare's constituents in Illinois, and it gave generously to his campaign. He secured $25 million for the firm through the stimulus bill, for biofuels development, meaning ethanol. Nothing new there: ADM has been using its political clout to turn corn into gold for decades. But the recent troubles, and Washington's response to them, have investors reassessing the credibility of U.S. institutions. Say you're an investment banker or a private-equity fund. In the present financial environment, do you want to put $25 million into a plucky little garage-based biofuels startup that has to compete with a firm that can simply wring $25 million out of Congress? Do you want to compete with an insurance company that's backed by billions of Treasury dollars or a manufacturer partly owned by the government? The events of the past two years may have changed the way some investors answer those questions.

As the U.S. government grows, so do the suspicions it inspires. There are good reasons to believe that the United States cannot operate a Canadian-style welfare state as well as Canada does, though the Obama administration seems intent on finding out. Apparently, that's change that investors don't quite believe in. And beyond its spendaholic domestic agenda, the administration has signaled its hostility to America's free-enterprise traditions in other ways, for instance by allowing previously negotiated trade deals with South Korea, Panama, and Colombia to founder, partly as a payback to the union bosses who helped put Obama into office. Those would have been win-win propositions, opening new markets to American businesses and bringing lower prices to American consumers. The trade deals would have created some jobs—maybe not huge numbers, but every little bit helps when your job market is looking like Peru's. Okay, not quite Peru—but if we're lucky and get our unemployment rate down another 1.2 percent, we'll be there. **NR**

Evidence-Based Pretense

The Obama administration cannot possibly remove ideology from public policy

BY SAMUEL R. STALEY

When newspaper reporters and bloggers across the nation skewered the Obama administration's estimates of jobs "created" or "saved" in November 2009, they focused on the obvious target: the thousands of jobs supposedly saved in congressional districts that didn't exist. Many took this as evidence of bureaucratic incompetence at best and, at worst, fraud. But there was a bigger story that went largely unremarked. The errors, far from being a one-time failure, provided a dramatic reminder that President Obama's pledge to enact policies guided by empirical analysis was—as any such pledge must be—hollow.

The notion of "evidence-based public policy" has guided progressive thought since the 19th century, and even Republicans now embrace it. To be sure, evidence is important and sometimes compelling. But it is rarely decisive in the world of economic and social policy, and what is commonly presented as "evidence" is more often pretense: Savvy politicians invoke data to mask the fact that their initiatives are driven, not by evidence, but by ideology.

President Obama is squarely in this tradition. On the campaign trail, discussing everything from stem-cell research to the wars in Afghanistan and Iraq to job creation, he wooed independent and fiscally conservative voters by saying that public policy should be based on what works, and that programs that don't work should be abandoned. While still a senator and dark-horse presidential contender, he was among the first and most prominent public officials to sign a "transparency pledge" urging forthrightness in government spending and an objective approach in evaluating government programs' effectiveness.

And, to be fair, in creating Recovery.gov, a website devoted to tracking the effectiveness of the American Recovery and Reinvestment Act (ARRA), the Obama administration made a good-faith effort to uphold this pledge. In May 2009, the White House unveiled guidelines concerning how it would tally up jobs "saved or created" by the ARRA, as reported on Recovery.gov. Christina Romer, chairwoman of the president's Council of Economic Advisers, explained: "We convened a meeting of top economists from the agencies [responsible for implementing the ARRA] to begin developing a simple, conservative, and—most important—accurate model for measuring progress." Those recommendations called for recipients of ARRA funds to report how many jobs the funds had saved or created, as a way to "check on" the accuracy of the administration's macroeconomic forecasts.

But after using the promise of "evidence based" economic policies to enact the ARRA, the administration ducked accountability for its initiative. Its forecasts at the time the package was passed predicted the unemployment rate would peak at 8 percent in late 2009 and then fall to 7 percent by the end of 2010. In a May 2009 briefing with an on-background "senior administration official," a journalist asked whether the administration still hoped to meet this target. The official responded that the prediction no longer counted because "the baseline deteriorated between when we did our first report in January and over the first couple of months of the year." But—fear not—the *real* goal, to create or save 3.5 million jobs, was still attainable. So the pressure was on to report progress in the creation and retention of jobs, and this may have contributed to the endless inaccuracies in the White House's claims.

This administration's bait-and-switch, and the subsequent exaggerations of the ARRA's impact, was more than a case of government error in an important prediction. It was a clear example of the problems with "evidence-based public policy"—not to mention a good reason to doubt the same official's promise that the government would "monitor this

Mr. Staley is director of urban-growth and land-use policy at the Reason Foundation. He teaches urban and regional economics at the University of Dayton.

thing” by “doing another [macroeconomic] forecast” to “make sure we’re doing what we need to do to put the economy back to the track we want to be on.”

Obama’s campaign was a continuous, thinly veiled effort on the part of the candidate to distance himself from the Bush administration, which he regularly accused of ideologically motivated impracticality. Rather than cut taxes on businesses and high earners to stimulate investment—an ideological approach, he alleged—government should build up the incomes of the unfortunate through redistributive policies such as unemployment insurance, higher minimum wages, and expanded health-care coverage. This, Obama implied, would be pragmatic.

Obama seemed to be drawing the classic distinction between “politics” and “administration,” a dichotomy deeply rooted in the progressive movement of the early 20th century. Indeed, in an 1887 *Political Science Quarterly* article, Woodrow Wilson argued that there “should be a science of administration [that] shall seek to straighten the paths of government, to make its business less unbusinesslike, to strengthen and purify its organization, and to crown its dutifulness.” Frederick Taylor, the father of “scientific management,” went even farther in testimony before Congress in 1912, calling for the systematic application of scientific approaches to management as a replacement for old “rules of thumb.” These thinkers advocated the idea that empirical methods are sufficient to evaluate the effectiveness of government programs.

Why does this approach—so appealing in theory—fail in practice? Why can’t evidence-based policy substitute for political judgment?

One reason is that we simply don’t know enough about the way the economy and society work to make reliable—or, in some cases, even useful—predictions on purely empirical grounds about the effects of public policy. That’s why macroeconomic forecasting tends to be inaccurate. We can’t model all the layers of human decision-making and activity that determine macroeconomic outcomes, even when our equations include hundreds of variables.

But even the data we do have are often suspect—as the White House learned when it tried to evaluate the ARRA. Jobs were reported in nonexistent congressional districts all over the nation and in its territories, in such places as Montana, Arizona, Connecticut, Iowa, the Northern Mariana Islands, and Puerto Rico. All politics is local, the old saying goes, and we might add the corollary that all data are local too. It is simply unreasonable to suppose that federal bureaucrats will be able to investigate in fine detail the conditions of cities and towns far from Washington.

And never mind the fine detail; the federal government has proved incapable of detecting even gross reporting error, as witness those imaginary congressional districts. Ohio Watchdog, the investigative-reporting arm of the Buckeye Institute in Columbus, discovered ten “new” districts in its home state when it dug into the ARRA data. Districts with outlandish numbers such as 49, 69, 85, 87, and 99 had appeared out of nowhere. Many of these cases likely resulted from computer-programming errors (“99” is a common coding term for missing data), but the problem was widespread enough to undermine the credibility of the entire ARRA reporting process. The Government Accountability Office, in a systemic review of the reports, found that 3,978 of them, while showing no dollar amount received or spent, together claimed more than 50,000 jobs saved or created. On the other hand, more than 9,200 reports showed no jobs saved or created, but together claimed spending of almost $1 billion.

Almost everyone involved in the program recognizes that there is no easy way to ensure the accuracy of the data, so complex are the reporting procedures and so great are the obstacles to collecting accurate information. And without reliable data, no evidence-based evaluation is possible.

That is the nut of the problem. Social-scientific methods simply cannot provide the definitive answers progressives claim to seek or, worse, to have. At the end of the day, the data will be inconclusive. Policymakers will then have to make judgments, and these judgments will inevitably reflect ideology. The Obama administration is no exception, and its talk of “evidence-based public policy” is little more than a pretext for doing what it wants to do anyway. **NR**

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Air Power

In which the EPA mistakes itself for Congress

BY IAIN MURRAY

WHILE on the surface it seems to be a simple matter of environmental policy, the finding by the Environmental Protection Agency that greenhouse gases endanger human health and welfare actually represents a massive power grab by the Obama administration. Not only does it give the EPA a radically expanded role in permitting and licensing economic activity, but the way in which it was arrived at shows that this president is not concerned about constitutional niceties such as the separation of powers. If Congress lets him get away with it, President Obama will have a significant precedent for expanding the powers of his office. On the other hand, the whole thing could blow up in his face and cripple the economy, putting millions out of work. This power grab therefore represents a gamble by Obama, possibly one as important for his presidency as President Bush's invasion of Iraq was for his.

The "endangerment finding" comes under the terms of the Clean Air Act, which empowers the EPA to regulate any "pollutant" that it finds endangers human health and welfare. The act lays down extremely complicated rules for how these pollutants are to be controlled, but they are for the most part appropriate for those substances that are generally regarded as pollutants. Carbon dioxide, however, the main greenhouse gas covered by the endangerment finding, is a slightly different kettle of fish. It is an essential component of the atmosphere and is present in much higher concentrations than other "pollutants." Regulating CO_2 emissions through the Clean Air Act would constitute a radical expansion of the act's scope.

This problem was at the heart of discussions in 2006 during the Supreme Court's hearings in the case *Massachusetts* v. *EPA*, in which the plaintiffs argued that the EPA needed to come to a judgment over whether CO_2 was a pollutant under the Clean Air Act. Attorney Peter Glaser, the U.S. Chamber of Commerce, the Competitive Enterprise Institute, and a host of other free-market advocates warned repeatedly that EPA regulation of greenhouse emissions from new motor vehicles—the immediate policy objective of the plaintiffs in *Massachusetts* v. *EPA*—would have the following consequences:

1. CO_2 would automatically become an air pollutant "subject to regulation" under the Clean Air Act's Prevention of Significant Deterioration (PSD) permitting rules, which cover new construction, and under its Title V permitting rules, which cover existing operations.

2. Millions of previously unregulated entities—big-box stores, enclosed malls, hotels, hospitals, apartment complexes, mid-sized office buildings, even commercial kitchens—would be vulnerable to new controls, paperwork, penalties, and litigation, because the Clean Air Act's threshold for requiring action is very low when it comes to CO_2.

3. The volume of permit applications would create an administrative quagmire for the EPA and state agencies.

4. The new costs, uncertainties, and delays would create an unprecedented roadblock to new construction and economic development, turning the Clean Air Act into a gigantic anti-stimulus program.

This argument concluded that the Clean Air Act, a product of the early Seventies, could not plausibly have been considered by Congress an appropriate vehicle for the regulation of substances like carbon dioxide. These objections were called, variously, a "bugaboo," a "red herring," and a "pure scare tactic" by proponents of regulation such as David Bookbinder, chief climate counsel for the Sierra Club.

After the Supreme Court found for the plaintiffs, it was obvious that the EPA was going to issue an endangerment finding. The Bush administration punted its decision into 2009 by issuing an "Advance Notice of Proposed Rulemaking," but the EPA by its very nature was never going to do other than find greenhouse gases a threat.

At this point, however, the EPA was forced to consider the reality of the "bugaboo" objections. The plain words of the Clean Air Act say that thresholds above which emitters must obtain permits should be 250 tons per year under PSD, and, under Title V, 100 tons per year. Anything that is larger than a mansion and possesses a furnace will tend to breach these thresholds in terms of carbon-dioxide emissions.

To obtain a PSD permit, firms must document their compliance with "best available control technology" (BACT) standards. Even apart from any technology investments needed to comply with BACT, the PSD permitting process is costly and time-consuming. In 2007, each permit on average cost $125,120 and took 866 man-hours for an applicant to obtain. (Those applications in turn cost the EPA or a state agency $23,280 and 301 man-hours to process, the EPA estimates.) No small business could operate subject to the PSD administrative burden.

An even larger number of entities could be swept into the Title V operating-permits program. This defines as "major" any emission source with a potential to emit 100 tons per year of a Clean Air Act–regulated pollutant. Title V permits typically do not impose new obligations on sources, because the program's purpose is to facilitate compliance with other CAA provisions. Most of the entities potentially subject to Title V for CO_2, however, have no other CAA obligations. They would be filling out pointless paperwork. For their sins, they'd also have to pay emission fees (the going rate is $43.30 per ton) for CO_2 emissions in excess of 100 tons.

The EPA now recognizes the problems that regulating CO_2 under the Clean Air Act involves. It admits:

> If PSD and Title V requirements apply at the applicability levels provided under the CAA, State permitting authorities would be paralyzed by permit applications in numbers that are orders of magnitude greater than their current administrative resources could accommodate . . . [because] . . . permitting authorities would receive approximately 40,000 PSD permit applications each year—currently, they receive approximately 300—and they would be required to issue Title V permits for approximately some [*sic*] six million sources—currently, their Title V inventory is some 15,000 sources.

In order to get around this problem, the EPA took upon itself the powers of the legislature. The above quotations come from

Mr. Murray is vice president for strategy at the Competitive Enterprise Institute and author of The Really Inconvenient Truths.

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How does the EPA justify its usurpation of the legislature's privilege to amend legislation? It argues that the literal reading of the Clean Air Act in this case is "absurd," because it would be "inconsistent" with "congressional intent" and would "undermine congressional purposes" (p. 19 of the draft tailoring rule). In other words, the EPA will alter Congress's expressed intentions for the purpose of not undermining Congress's intentions. This is, to put it mildly, a questionable rationale. So why does the EPA think it can get away with it?

This is the president's gamble. He is assuming that no one will sue to have such action enforced: No sensible trade association, for instance, is going to sue to have the literal meaning of the Clean Air Act inflicted on its members. The president simply assumes he is going to brazen it out.

The EPA's finding is an expression of the administration's contempt for the Constitution.

Nor are his supporters in the mainstream environmental groups going to cause trouble, at least not yet. They have been waiting for years for the EPA to get its foot in the door to carbon-dioxide regulation, and pushing too hard could be counterproductive at this stage. In fact, the president and the environmental groups may well be using the endangerment finding to put pressure on Congress to enact a potentially less damaging measure that will supersede the Clean Air Act in regulating greenhouse gases. That way, they can have their cake and eat it too. The EPA finding also must have looked good at the gathering of the world's environmental elite in Copenhagen.

So, from Obama's point of view, the endangerment finding appears to be all upside. This analysis, however, ignores the presence of a radical environmental fringe that would be only too happy to see the Clean Air Act enforced as it stands. The Center for Biological Diversity (CBD) and the climate crusaders at 350.org have petitioned the EPA to establish National Ambient Air Quality Standards (NAAQS) limiting atmospheric carbon dioxide to 350 parts per million. The CBD is the group that successfully petitioned to have the thriving polar bear added to the endangered-species list on the grounds of supposed threats from melting ice.

CO_2 concentrations currently stand at around 387 parts per million (ppm). Not even a global economic depression sustained over many decades would be enough to stabilize atmospheric CO_2 levels at 350 ppm. For example, even if the world's governments could somehow reduce global CO_2 emissions to their level in 1957—when the world's economy was less than one-third its present size—and then hold them constant for the next nine decades, global concentrations would still increase to 455 ppm by 2100.

None of this matters to groups like CBD and 350.org, of course. Nor to the EPA: Indeed, under long-established precedent, it is forbidden to consider economic consequences when making a NAAQS rule. What is most interesting about the environmentalists' petition is that an endangerment finding such as the one the EPA recently made could also trigger the much more restrictive NAAQS rules. This is the real sword of Damocles that the endangerment finding has set hanging above us.

As its stands, the EPA's endangerment finding is a triple threat. It is an expression of the administration's contempt for the Constitution, an act of legislative thuggery, and an economic suicide note, all in one package. The best response would not be to pass a watered-down version like the Waxman-Markey bill that squeaked through the House last summer, but to repudiate the administration directly by passing a bill like Rep. Marsha Blackburn's H.R. 391, which exempts greenhouse gases from regulation under the Clean Air Act. Otherwise, the president's gamble will lead to devastating losses for the rest of us. **NR**

Emperor Van Rompuy

The European Union is an absolute state in the costume of democracy

BY DAVID PRYCE-JONES

Brussels

The Eurostar train takes two short hours to reach Brussels via the Channel Tunnel from London, and I have an imperative need to do this journey to investigate the political and psychological mysteries of this city. A treaty has come into force whereby, in common with about 500 million other people in Europe, I find myself compelled to live under a new head of state. The European Union has created the office of President of the European Council, and a Belgian by the name of Herman Van Rompuy occupies it. In the minute and fiercely divided political circles of his own country, apparently, he has the reputation of being a natural-born bureaucrat, but otherwise nobody has ever heard of him. For all I or anyone else knows, he may be an estimable fellow, but we have no way of judging, and whatever we might think is anyhow of no consequence. The European Union comprises 27 countries, and their heads of state or governments met behind closed doors in Brussels to pick this man, as in the conjuring trick that involves pulling a rabbit out of a top hat.

Confusingly, another EU official, the Portuguese José Barroso, is already installed under the slightly different title of President of the Commission, but neither I nor anyone else can guess what the relationship between the two presidents will turn out to be. Moreover, Queen Elizabeth II is the head of state to whom we British owe allegiance. The last country in which a monarch and a president held office simultaneously was the Uganda of Idi Amin, and that did not have a happy ending.

The 27 European heads of state or government who imposed the new treaty and Mr. Van Rompuy upon the rest of us are in the throes of an immense gamble. They appear to believe that they have finally completed the foundation of the United

States of Europe, the federation of their dreams. But on the rare occasions when Europeans have been allowed to vote and express genuine opinions on this project, a handy majority have time and again rejected all idea of federation and the treaties that establish it. The gap between the EU elite and the general public is everywhere huge and widening. In the absence of support on the street, the EU has no choice except to fool as many people as possible for as much of the time as possible.

In the run-up to the latest treaty, for example, the EU elite—and compliant European governments, with two or three honorable exceptions—resorted to the full range of bribery and threats and lies to ram through acceptance (and therefore the comedy of Mr. Van Rompuy's sudden apparition). Referenda that went against the treaty have been either ignored or, in the case of the Irish, unscrupulously overturned. The three major political parties represented at Westminster promised to allow the British to have a referendum, only for them all to renege on that promise. A slow-motion power grab has been accomplished. Ambrose Evans-Pritchard, one of the most informed observers on the ways of Brussels, puts it succinctly: "The EU has crossed a subtle line. It is no longer legitimate."

In old days, I had been to Brussels. Nothing much used to happen, and eating was the chief activity on offer. The town was rather charming, with a good many neoclassical buildings and a slightly decrepit Ruritanian feel to it. The buildings of the EU belong to quite a different world, as is presumably the intention. Gigantic modern blocks proclaim that power has indeed been grabbed, and it is irresistible. These several edifices rise in monumental modernism above their surroundings, on a scale designed to intimidate and to give an impression of permanence, much like the pharaohs with their pyramids. The headquarters of Mr. Barroso's Commission dominates a slope, functional glass layer upon functional glass layer. As though it had somehow melted under heat, this particular building curves in the middle at an angle of about 60 degrees, to colonize yet another slope. From the street, the entrance is invisible, as though nobody but insiders had access.

The Commission is the real powerhouse of the EU, a monolithic bureaucracy of over 20,000, either nominated by themselves or lent to the EU by their national governments. In an unprecedented reversion to absolute rule as practiced in the 17th century or so, the Commission enjoys the monopoly of initiating legislation and then overseeing its execution; in other words, it is both legislature and executive. None of its members are elected, but in view of their privileged functions, they are in effect politicians rather than the civil servants they pretend to be.

I have lived my whole life in the conviction that parliamentary democracy is the surest defense of the individual and freedom. Now that I have been conscripted without any say into Mr. Van Rompuy's Europe, I wanted to see for myself the Brussels parliament that supposedly speaks for me. This building is somewhat hidden by surrounding houses, and there is no grand or overall view of it from any distance, though its vast crowning semicircle of glass breaks over the skyline. On the same site used to stand the town's first railway station, and the heritage lobby fought to preserve its façade. Blocked in, flat, and useless, it serves as a perfect metaphor for the institution now behind it.

There, at the far end of a wide, bleak courtyard, is the EU's answer to Nicolae Ceausescu's megalomaniac governmental palace in Bucharest. The architects, identified as the local firms of Atelier Espace Léopold and VK Engineering, have laid out an almost endless vista of wings and walkways, with that central skyscraping block, box upon box as far as the eye can see, all glass and tyrannical right angles, strictly featureless. The entrance ought to be straight ahead, but you have to go down a staircase and enter from the far side, as though the building had been reversed to face the wrong way—another perfect metaphor.

This parliament has slightly more than 700 members, and Daniel Hannan has been one of them these last ten years. The child of British parents, he was born in Peru but educated in England. A Thatcherite, an Atlanticist, a free marketeer, a cosmopolitan, and an eloquent writer and speaker, he belongs to the Cameron generation that is in the process of reviving the Conservative party in Britain. All this, and particularly his determination to devolve power to the people, pits him sharply against the entire federalizing and centralizing EU project that is draining the vitality and identity from the continent. He accepts with good humor that he is considered a Public Enemy by the empire builders who are his colleagues here. A recent speech of his attacking Gordon Brown was oratory at its best, and the video of it immediately went round the world, giving him a justified reputation as someone able and willing to speak truth to power. (Brown was present, and his face was a picture.)

This most unorthodox guide gives me glimpses of bars, banks, a swimming pool, even a supermarket, all within the EU complex. Striding in the corridors are blonde women in camel-hair coats and expensive boots, and young men with glasses pushed for casual effect just above the hairline—some of the 55,000 lobbyists interacting with the bureaucrats, which is how decisions are taken in this absolute state. The names of half-forgotten politicians have been emblazoned on hanging boards or over doorways, signifying hopefully that the present has respectable roots in the past. "Policy Department B. Structural and Cohesion Policies," runs a typical notice indicating workaday routines; nearby is "Policy Department C. Citizens' Rights and Constitutional Affairs." We walk round floor after floor of committee rooms, offices, and the semicircular arena where the parliament could meet but rarely does. (The French have always insisted that actual voting

Herman Van Rompuy

DIETER NAGL/AFP

must take place in a duplicate parliament in Strasbourg, involving the absurdly expensive movement to and fro once a month of members and truckloads of paper.)

Uniquely among parliaments, this one lacks the power to scrutinize or reject bills put before it by the executive—in other words, the Commission. Often some 200 a day are nodded through in a Strasbourg session. Members are chosen through an unnecessarily complex system of proportional representation and party lists, so they do not represent constituents to whom they are accountable. For fear that members would naturally be prone to defend their national interests, the parliament was set up to be transnational. Parties from the 27 countries align in blocs that claim a shared political outlook, self-described as Right or Left. There is no proper opposition, nor could there be when this parliament does not answer to real people debating and mediating issues that matter to them, but only to the abstract entity of "Europe."

The EU elite knows all this, says Daniel cheerfully. They realize that none of it is compatible with democracy and don't believe a word they say. They talk about "consulting civic society," but this means listening to bodies they themselves have set up and financed. Like Communist apparatchiks after the invasion of Prague in 1968, he says, "they don't pretend to have any appeal but ask just to go on administering. They've lost self-confidence; resistance to this treaty has left them vulnerable. Remember how the Hungarians opened the Iron Curtain and allowed East Germans to pass? Nobody could have predicted that this would be enough to bring Communism down. Something similar will happen to the EU. Eventually Britain will leave, and others will too."

Why isn't he in the House of Commons instead of partaking in this illusory parliament based on conjuring tricks and a parody of absolute monarchy? He answers that the Westminster parliament is submerged in expense-account corruption and crisis, and nobody in his right mind would wish to be in it at the moment. It'll take great strength of mind and political skill to discern and then seize the moment to break up the EU. If Daniel Hannan turns out not to have the character for such a historic role, it will have to be someone like him. **NR**

The True Sprit of Chrismas*

ALOÏSE BUCKLEY HEATH

Many persons our ages of 12, 10, 8, 6 think the Sprit of Christmas is about toys and presents instead of about the real sprit. These persons are immature and childless. As will be seen.

Today at Assembly, everybody got a copy and got read to, the U.N. Declaration of the Rights of the Child, which turned out it was the Chrismas present from the United Nations to all the children in the world, also which Pam, 12, and John, 10, have to write down about constructively and Priscilla, 8, and Buckley, 6, be prepared to explane in there own words by Monday. This is our free-thinking thoughts, for nothing is black and white but grey.

The first part, before the Principles start, is very oratory and good except for puctuation (commas not periods after paragraphs) and reptitous (absolutely 5 paragraphs in a row begin with "Whereas"). Persons that are always tearing down, tearing down would probably mock this instead of saying the United Nations did pretty good, spelling the long words this composition is absolutely full of.

PRINCIPLE I: *All children shall be entitled to these rights, without distinction or discrimination on account of race, color, sex, language, religion, political or other opinion, property, birth, or other status whether of himself or of his family.* Those who *think* will easly see that who their talking about is none other but the U.S. of America (world smelting pot), for in other countries from us (Europe, England, Russia, Wildest Africa, etc. etc. etc.) there isn't enough different population from the main to do discrimination at. (Except by inmost feelings, hard to wipe out, unforch.)

Why do they drag in sex, one asks ourself? Because the United Nations regard sex purely, like dictionaries, where sex is if you are a boy or a girl (you can look it up)—not the reason children are not allowed to see practicly every movie in the whole world. It is a well-none fact that most parents comitt discrimination on children by sex (by wether they are male sex or female sex, other words.) Ex:—: Sataday mornings, boys (M. sex) have to clean out cars in a icecold subzero gerage, wile girls (F. sex) only have to vacume warm & cozy carpets. And yet again about color (sometimes meening race, but they already said race in this PRINCIPLE so they now meen color.); Why? Because, Ex:—: Some persons, who dirt shows on more than other persons because of there snow white color, are all the time getting it in the neck (like parents saying: "Good God, your angkles!!" venial sin) when that happens to be the exact night one washed with soap! All this shall end.

One thing the United Nations forgot:—: discrimination by age, like:—Ex:—In 2 years, could Pam, now age 12 drive a car in S. Carolina? Yes!! In Conn.? No!! Could Jim, our brother of 14 marry Linda who he loves in India? Yes!! In Conn.? No.!! Showing that the U.N. forgot the main thing the child get's discriminated for. BUT: after all: nobidies perfect:

PRINCIPLE 2 (really getting going): *The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually, and socially in a healthy and normal manner and in conditions of freedom and dignity.* Their going to start some laws, and unless quite a few parents wise up, we happen to know quite a few parents (including by marriage) that will end up incarserated. Because when the U.N. finds out, surely soon, that every single child in the world spends absolutely the best years of his life from infantry to adultery sitting on a hard seat, bending his head over books that is rooning his eyes and with the most absolutely boaring stuff poaring, poaring, poaring into his ears. At the same time when they breathe *in* constantly sniffing germs of namonia, chicken pocks, nefritus so they practicly only dare breathe *out* (practicly impossible):—all of which contrary to health and freedom:—then the U.N. will edict that this situation must CEACE!

PRINCIPLE 3: *The child shall be entitled from his birth to a name and a*

A Christmas story by the late Aloïse Buckley Heath is an NR tradition. This story was first published in 1967.

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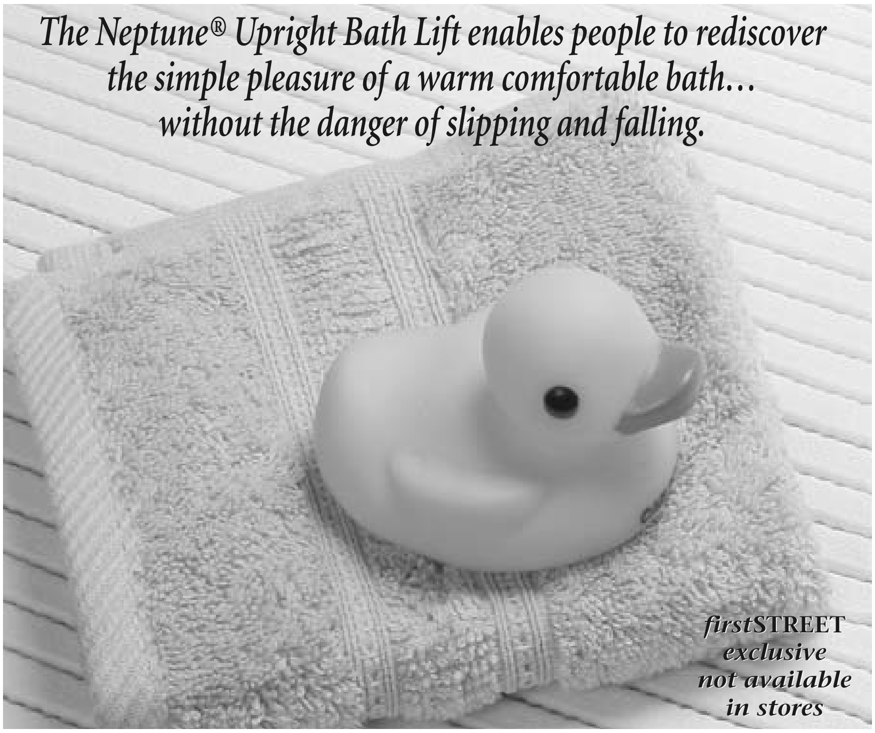

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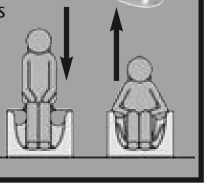

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nationality. This is also in the Sprit of Christmas because it portects children from being called Blooper and Kiki even when big, which can become absolutely humalating. Ex:—When John was born our brother Jim was 4 (dificult age) and Jim liked our Uncle Reid so he absolutely made every one call John "Uncle Reid" after him (Uncle Reid). Funny then, but how would John feel nowadays if Mrs. McLeod said in class: "Uncle Reid, suppose you take the next passage?" Like a fool. Principle 3 also portects people from the fate of Philip Nolan, who had to live on boats and not have a nationality for having got mad at the Government once, tho not till grown-up. But children' fate, through the passage of years is to become grown-up or else dead. So look before you leap, which the U.N. does.

PRINCIPLE 4: *The child shall enjoy the benefits of social security. He shall be entitled to grow up and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate prenatal and postnatal care.* This sounds like mostly for Mothers, but *think*, *think*, just exactly where would children be without prenatal Mothers? NOWHERE. And prenatal Fathers are not so absolutely necessary. The first Nowell would have been in a sanidary, recently-modern hospital if people had only had the U.N. then. The Massacre of the Holy Innocents would be absolutely an object of forbiddance and mortal sin, under penalty of the law.

PRINCIPLE 5: *The child who is physically, mentally, or socially handicapped shall be given the special treatment, education, and care required by his particular condition.* In the interests of the questioning mind, one has to admit that this principle is hard: because:—"physically handicapped" means crippled and those children, they say, have to go to special schools for crippled children:—"mentally handicapped" means retarded, and those children have to go to special schools for retarded children:—"socially handicapped" means Negro in the South, but, as is well-known, those children have to come *out* of special schools for Negro children in the South. Does that make sense for physicals and mentals to go in yet for socials to come out? Not that who are we to critisise, never less, may be grown-ups should clarify there thinking on the topic.

PRINCIPLE 6: *The child, for the full and harmonious development of his full personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security. Payment of state and other assistance toward the maintenance of children of families is desirable.* This one may seem to say a lot of things one already knew, like "love and understanding," etc. etc. etc., but the important thing after all, is that it is still on the side of children, other words: Sprit of Chrismas. One may well ask ourself, although, about assisting (paying) people of large families (personally in our favor), which if they do, they have to make there mind up about populations exploding. For, besides the joys of parenthood, if you get paid too, where will it all end?

PRINCIPLE 7: *The child shall be given an education which will promote his general culture and enable him on a basis of equal opportunity to develop his abilities. The child shall have full opportunity for play and recreation, which shall be directed to the same purposes as education.* It is hard to see how the U.N. missed the things wrong in this, unless there wrist was getting tired from writting. *Wrong thing No. A*:—There absolutely just isn't anything equal in people's opportunity to learn culture that would be general. Like in West Hartford, U.S.A., culture is French, Mythology, Music, Hiawatha, and things like that but in Wildest Africa culture is Hunting lions, Shrinking heads, Building huts of clay and wattles made, and things like that, none of which there is any of in West Hartford. (Even if there was some way this could be arranged, it would not be very fair to Wildest Africa children.) *Wrong thing No. B*:—(the part about play and recreation). Unforch, as even the dumbest know, play and recreation that is directed always turns out into one thing:—:RELAY RACES.

TETRA IMAGES

PRINCIPLE 8: *The child shall in all circumstances be among the first to receive protection and relief.* Vere dignum et justum est. (Altarboy's joke by John. Others except priests look it up.)

PRINCIPLE 9: *The child shall be protected against all forms of neglect, cruelty, and exploitation. He shall not be the subject of traffic in any form.* (It is a known fact that sometimes children run right strate across *without* looking *both* ways: *Think*: nothing is black and white: all is grey.) Next part: *The child shall not be admitted to employment before an appropriate minimum age.* This is one of the most absolutely Sprit of Chrismaslike things the U.N. ever said in its life. For NOTE:—Employment means working for *money*. How far far worse indeed, therefore, is the involatory slavitude children have to do Satadays, not only for no money, but not getting their riteful allowance if they don't. This also shall be changed by law.

PRINCIPLE 10: *The child shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace, and universal brotherhood, in full consciousness that his energy and talents should be devoted to the service of his fellow men.* These sweet and nobble words show how the Uniteds have even *improved* the Sprit of Chrismas. For in olden days, you were supposed to love your fellow men (even the ones you couldn't stand) yet use your energy and talents for you and yours, which you had to, the world being such a mess. In our day, you only have to have a sprit of tolerace, friendship, etc. etc. etc., and even that you only have among peopleS, much more practical than among peoplE, if you get our meaning (see letters we put in capitals). Also, the new laws of the Governments of the U.N. will take care of things like nutrition, housing, and other postnatal care of you and yours, so there will be nothing left to do except be devoted to the service of your fellow men.

Thus we see, the U.N. Declaration of Rights of the Child is in the true Sprit of Christmas, and also cinchy. **NR**

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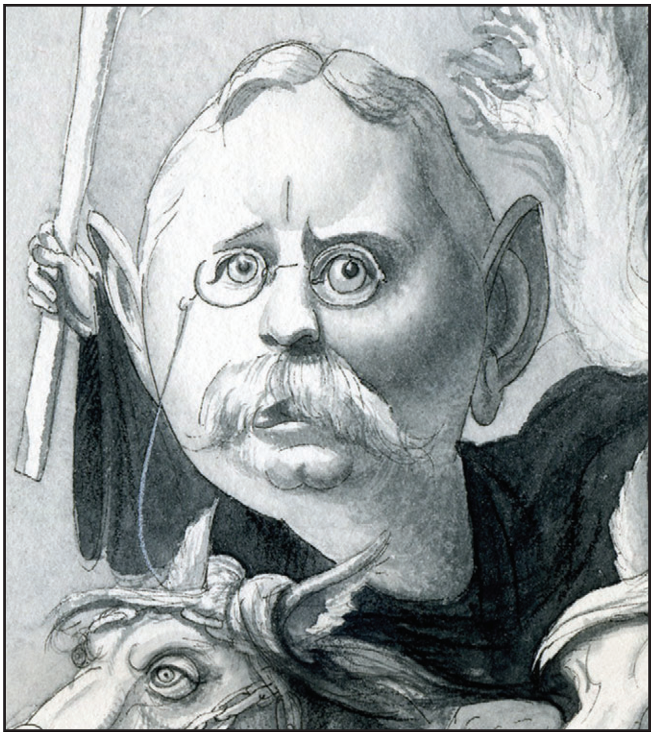
* Composed by Pamela, John, Priscilla, and, sometimes, Buckley Heath; Typed by There Mother.



Richard Ely's Golden Calf

BY JONAH GOLDBERG

IN a lecture to Harvard students in 1886, Oliver Wendell Holmes Jr. spoke of the sort of thinker of whom it can be said that, "a hundred years after he is dead and forgotten, men who never heard of him will be moving to the measure of his thought."

Perhaps more than any other leading progressive intellectual, Richard Ely is dead and forgotten, save among a few economists and a few historians. The American Economic Association, which Ely founded, still has a prestigious Richard Ely memorial lecture, and such neo-progressives as the late Richard Rorty tried valiantly to restore Ely's stature. But for the most part, Ely is the answer to a very obscure trivia question. And yet today's liberals continue to move to the measure of his thought.

With only a modicum of literary license, it's fair to say that the house of contemporary liberalism sits on a foundation laid down by Ely. He wrote dozens of books, on monopoly, taxation, land use, and urban reform, and several standard texts on general economics. A leader of the new generation of German-trained or -inspired Ph.D.s, Ely began teaching at the brand-new Johns Hopkins University—conceived as a German-style institution—in 1881. Just over a decade later, the progressive writer Lyman Powell wrote that Ely's writings "exercised a wider and more positive influence on American legislation than the works of any other economist of the present generation." Not long after that, he was known as the "dean of American economics."

As a professor at Hopkins and, later, the University of Wisconsin, Ely served as a mentor to or major influence on many of the most important progressive thinkers and activists. In 1939, a reviewer of Ely's autobiography, *Ground under Our Feet*, observed that "it is common knowledge, among those who know the field, that Dr. Ely has a greater 'gallery' [of disciples] than any other economics professor in the country." His disciples and allies became the intellectual shock troops of progressivism in journalism and academia. His student John Finley was, variously, president of the City College of New York, New York state commissioner of education, and editorial-page editor of the *New York Times*. Msgr. John A. Ryan, whose writings on industrial democracy were integral to the New Deal, was one of Ely's greatest champions (Ely found a publisher for Ryan's 1906 book *A Living Wage* and wrote the introduction to it).

The most famous members of Ely's gallery, however, were politicians: Woodrow Wilson, Ely's student at Hopkins; Wisconsin governor Robert La Follette Sr.; and Theodore Roosevelt. Ely's influence on La Follette was extensive, as Ely was the leading academic behind the "Wisconsin Idea"—using academic experts to guide government policy—and La Follette, who often called Ely his "teacher," was its foremost political champion. His influence on Teddy Roosevelt was more diffuse. While they were longtime friendly acquaintances, Ely's impact on TR came mostly through his writings and through Albert Shaw, a student and devotee of his who became a close adviser to Roosevelt. TR famously said of Ely, "He first introduced me to radicalism in economics and then made me sane in my radicalism."

That "radicalism" was mainstream progressive economics, or simply "reform." Some of the reforms were perfectly defensible. Clean food and drinking water, the improvement of labor conditions, the abolition of child labor are all desirable ends, even if we can debate the means of attaining them. And while much of the welfare state that we know today was constructed by the "new economists" Ely led, his more significant contribution was not, strictly speaking, economic.

MANY contemporary progressives assert that liberalism is an authentic American tradition, with roots in American soil. In part because the word "liberal" came to have a foreign or un-American patina to it, many prominent liberals have adopted "progressive" instead. During a 2007 primary debate, Hillary Clinton rejected the "liberal" label. "I prefer the word 'progressive,' which has a real American meaning, going back to the progressive era at the beginning of the 20th century."

The irony here is that the supposedly more authentically American tradition of reform also has a heavily European lineage. Indeed, American progressives saw themselves as the U.S. franchisees of an international effort. "We were parts, one of another, in the United States and Europe," proclaimed William Allen White. "Something was welding us into one social and economic whole with local political variations. It was Stubbs in Kansas, Jaurès in Paris, the Social Democrats [that is, the Socialists] in Germany, the Socialists in Belgium, and I should say the whole people in Holland, fighting a common cause." When

Jane Addams seconded Teddy Roosevelt's nomination at the Progressive-party convention in 1912, she declared, "The new party has become the American exponent of a world-wide movement toward juster social conditions, a movement which the United States, lagging behind other great nations, has been unaccountably slow to embody in political action."

If America was lagging behind, Germany was leading the pack. Bismarck's "top-down socialism" was, in the words of liberal historian Eric Goldman, "a catalytic of American progressive thought." A young Woodrow Wilson wrote that Bismarck's Prussia was the most "admirable system . . . the most studied and most nearly perfected" in the world. When the American Economic Association was formed, five of the first six officers had studied in Germany. At least 20 of its first 26 presidents had as well. In 1906, a professor at Yale polled the top 116 economists and social scientists in America; more than half had studied in Germany for at least a year.

Much of the philosophical rationale for Bismarck's top-down socialism came from the "historical school" of German economists, of which Ely's mentor at the University of Heidelberg, Karl Knies, was a leader. Imbibing heavily from Hegel and Darwin, the historicist economists believed that all economic facts are relative and evolutionary, contingent upon their time and place. Historicists rejected laissez-faire economics on the grounds that there are no immutable or universal laws of economics. "The most fundamental things in our minds," Ely said of himself and his new generation of intellectuals, "were on the one hand the idea of evolution, and on the other hand, the idea of relativity."

"The nation in its economic life is an organism," he wrote, "in which individuals, families, and groups . . . form parts." Hence competition and self-interest are generally bad things, working against the tide of progress. After all, organs in the human body do not compete against one another, so why should organs of the body politic? History, like evolution itself, was moving toward greater social cooperation. And it fell to experts to decide how to advance that process. "A new world was coming into existence, and if this world was to be a better world we knew that we must have a new economics to go along with it." Not only did this vision provide a perfect rationale for empowering social planners, it necessarily consigned the rights and liberty of the individual to being an afterthought—hence Ely's advocacy of what he called "coercive philanthropy." If experts can glean which way social betterment lies, who is the individual to object? The job of the economist is not to consider discrete questions about how to, say, maximize productivity or measure discretionary income. It is to fix society in all its relations, right down to each individual. The goal of the economist, Ely believed, was to hasten "the most perfect development of all human faculties in each individual." Whether the individual wanted that development was irrelevant.

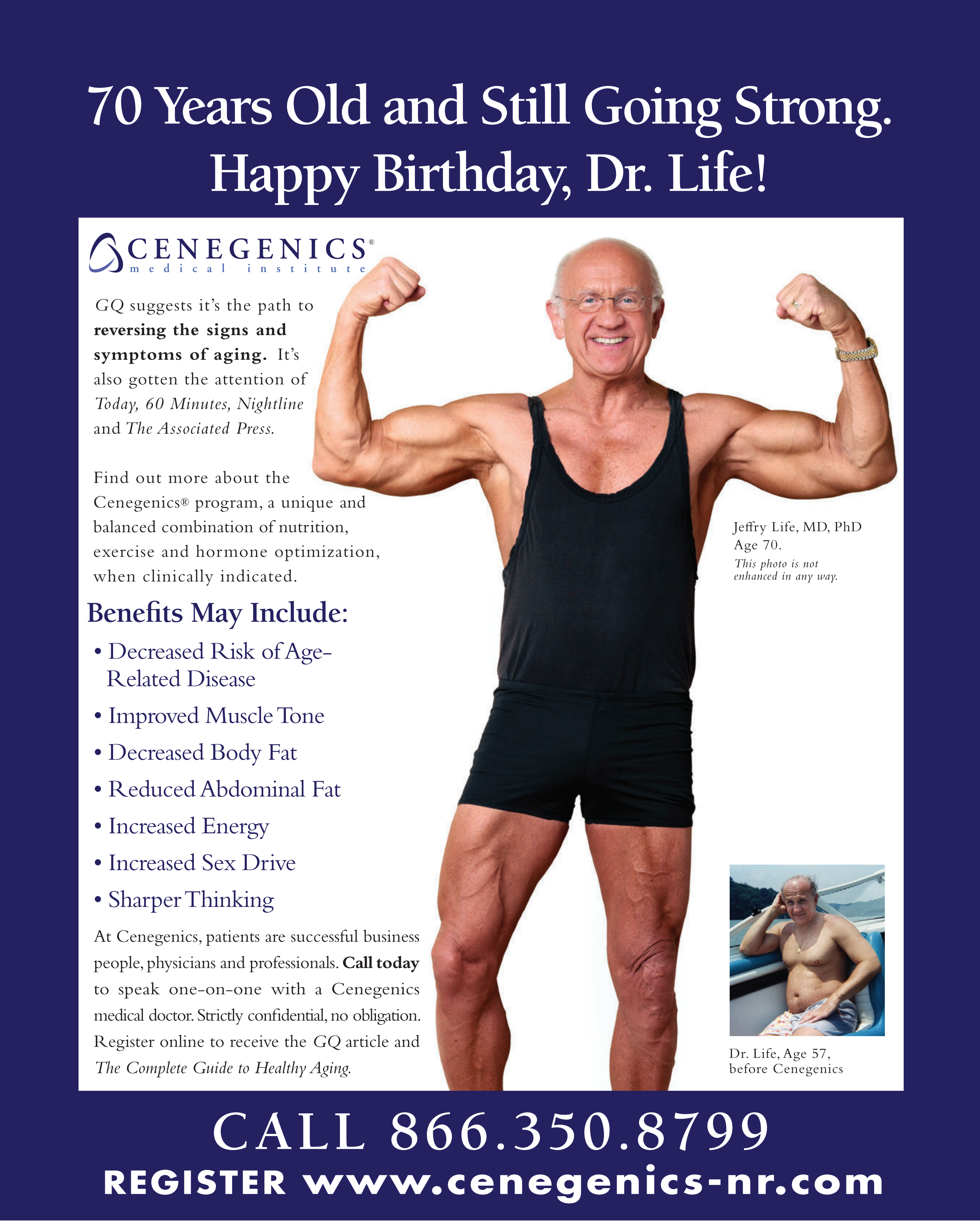
In this respect, Ely was one of the primary architects of the transformation of liberalism from a doctrine of negative liberty (having the state stay out of your way) into a doctrine of positive liberty (having the state set you up with the tools and teaching necessary to "be all you can be"). His goal was "to equalize opportunities" and to give "to each the means for the development, complete and harmonious, of all his faculties." Regulating "industrial and other social relations existing among men is a condition of freedom," he wrote. To this end, Ely advocated "industrial armies," arguing that young men and society alike would benefit from a form of civilian conscription straight into the factories. If implemented, his ideas might "lessen the amount of theoretical liberty," but would surely "increase control over nature in the individual, and promote the growth of practical liberty." That idea—"practical liberty"—is the vision behind the "Economic Bill of Rights" that FDR promulgated decades later, and echoes of it can be heard every day in calls for a "new New Deal."

BUT to discuss Ely purely in terms of public policy leaves out his most important work: He was, bar none, the most important lay proselytizer of the progressive social gospel and "Christian socialism" in America. A close friend or adviser to nearly every major social-gospel preacher, he founded the "Christian sociology" movement. Ely scholar Benjamin Rader reports that "ministers across the country used Ely's writing as a basis for sermons." Ely's *Social Aspects of Christianity* was a definitive text. "For more than twenty years," writes Rader, "every minister entering the Conference of the Methodist Episcopal Church was required to read *Social Aspects* as well as Ely's *An Introduction to Political Economy.*"

Ely was born in 1854 in western New York to pious Yankee and Puritan Presbyterian parents. His father, Ezra, was an "extreme Sabbatarian," to use Murray Rothbard's phrase, refusing to let his children even read or play games on Sunday. In order to avoid working on the Sabbath, Ezra quit his well-paying job as a civil engineer on the railroads and struggled as a farmer. Despite needing the money, he refused to grow barley—the best crop for his soil—because it could be used for the devil's brew, beer. While Ezra lamented that young Richard never had a proper conversion experience to "become a good Presbyterian," he nonetheless imbued in Richard a religious commitment to egalitarianism and a desire to "set the world on fire."

This religious conviction animated Richard Ely, to the extent that he believed every aspect of life should have Christianity injected into it. He held that Christians made a fundamental error by holding that salvation lies in the next life. When Jesus says that his kingdom is "not of this world," the correct translation, according to Ely, is "not of this age." And it was Ely's core conviction that the age of salvation could be reached through the judicious application of welfare-state policies. He wrote, in *Aspects*: "I take this as my thesis: Christianity is primarily concerned with this world, and it is the mission of Christianity to bring to pass here a kingdom of righteousness and to rescue from the evil one and redeem all our social relations." The mating of his German historicism and American religion spawned a hybrid offspring that recognized no significant distinction between "is" and

Richard Ely was, bar none, the most important lay proselytizer of the progressive social gospel.



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"ought," because what exists now is merely the current installment of God's plan. "The 'Is' embraces the future 'Ought,'" Ely explained. "This in itself answers the question whether political economists should deal merely with what is, or also with what ought to be. The two cannot be separated." The Christian doctrine of "service" became a divine injunction to advance a non-Marxist national socialism.

There was a great controversy over whether Ely was literally a socialist. He played an interesting game in his early writings: on one hand making an impassioned case for the inevitability and desirability of socialism, while on the other insisting that he was not a socialist. It's a rhetorical pose that should be familiar today, as many liberals speak glowingly of the benefits of social democracy and defend outright socialist activists while insisting that they are not themselves socialists. Ely's posture didn't convince everyone. Prompted by an attack on Ely in *The Nation*, then a reliably laissez-faire magazine, the University of Wisconsin conducted a major inquiry into the charge that Ely was fomenting support for radicalism and violence. He was ultimately cleared, though the experience rattled him. (It was around this time that Teddy Roosevelt bumped into him and asked, "Hello, Ely. Is *The Nation* still after you? No man can read *The Nation* and remain a gentleman.")

It is a confusing debate to follow now, because the term "socialism" has been so tainted by just one, Marxist, variant of it. But socialism had a more nimble and nuanced set of meanings a century ago. Ely rejected revolutionary, non-Christian socialism on numerous grounds, including its Marxist faith in abstract universal laws, its atheism, and its anarchic violence. He favored instead a "golden mean" whereby a profoundly paternalistic state intervened under the instruction of experts like himself, in the name of guiding society toward ever greater cooperation and the true socialism of the Kingdom of Heaven.

Nonetheless, Ely invariably saw socialistic government programs as the best means for realizing the Christian exhortation to live by the golden rule. Ely was what some today would call a "Christianist," subverting Christianity into an explicitly political and programmatic doctrine delineating how law, economics, business, and individual behavior should be organized. He complained that contemporary life is "divided into things sacred and things secular" and asserted that "to a Christian all things must be sacred, his business as well as his church." The American Economic Association (which initially brimmed with over 60 ministers as members) was to be a fundamentally religious organization that imbued all of its analysis and recommendations with a Christian vision that rejected laissez-faire economics as sinful and cruel.

It should be no surprise that Ely was a statist *par excellence*. Indeed, for Ely, the church was subsidiary to the state. Even the nation, which for the historical school was the most basic political unit and a galvanizing force for socialism, mattered less than the state. If the nation was the body politic, the state was its soul, its conscience, the divine spark of God's will. "God works through the State in carrying out His purposes more universally than through any other institution," Ely wrote. It "is religious in its essence," and "a mighty force in furthering God's kingdom and establishing righteous relations." The only legitimate reason to restrain the state's right and authority to intervene in society, according to Ely, lay in the limits of its "ability to do good." And since the state was the manifestation of God on earth, its ability to do good was limitless.

Liberals often like to discuss the progressives and the social gospel as distinct if occasionally overlapping phenomena. The truth was closer to the opposite: Progressivism and the social gospel were usually the same phenomena, and were only occasionally distinct from each other. The social-gospel movement often retreated to the new economics (or to eugenics) when it could not find sufficient arguments in scripture or theology. And the new economists invoked Christianity whenever their numbers didn't add up. The corruption of both factions was nearly total.

The philosopher Eric Voegelin famously warned against "immanentizing the eschaton." The phrase's exotic polysyllabicism was no doubt part of its appeal for William F. Buckley Jr., who helped popularize it. To immanentize the eschaton is to attempt to establish a Kingdom of Heaven on Earth. For Voegelin, this Gnostic heresy was the underlying motive for all of the leftist isms of the 20th century. He once quipped that for the Marxist, "Christ the Redeemer is replaced by the steam engine as the promise of the realm to come." More than any other thinker, Ely introduced the drive to immanentize the eschaton into the mainstream of progressive thinking, where it remains today.

What united the socialists, the progressives, the social gospellers, the pragmatists, the nationalists, the fascists, the Marxists, and the other factions of intellectuals who rallied at the wake of "God's funeral" was the idea that old ideas needed to be thrown away. These new intellectuals insisted that the "crust of custom"—a popular phrase at the time, coined by Walter Bagehot—had to be broken, and that the dogmas, assumptions, rules, and habits associated with the old order had to be either ignored or, better, destroyed. This was from the outset a moralistic mission because, as they saw it, the old notions of universal truths were created for the benefit of the greedy haves in order to oppress the have-nots.

Such thinking led progressive historians such as Charles Beard to argue that the U.S. Constitution was not so much a marvelous advance in human liberty as an elaborate con constructed to protect the wealth of a few landowners, and political scientists such as Woodrow Wilson to argue that the written Constitution should be replaced with a living one interpretable only by the new intelligentsia.

And here lies the moral of the story. Ely's determination to meld Christianity and economics while claiming that science was always on his side undermined the authority of Christianity while accelerating the growth and increasing the power of the state. The "pragmatist razor" that trims away needless superstition sliced away Christianity whenever it got in the way of statist imperatives. With time, the state became the golden calf.

Some progressives came to recognize what they had done. Toward the end of his life, after he had turned (quite viciously) on FDR, Charles Beard observed of the New Deal progressives: "These people are talking the relativism which will ruin liberalism yet. Don't they know that the means can make the ends? Don't they realize that their method of arguing can justify anything? I wish we could find some way of getting rid of conservative morality without having these youngsters drop all morality." Nearly 20 years earlier, the progressive J. Allen Smith complained of Wilson-era progressives: "The real trouble with us reformers is that we made reform a crusade against standards. Well, we smashed them all and now neither we nor anybody else have anything left." **NR**

John Dewey and the Philosophical Refounding of America

BY TIFFANY JONES MILLER

THE "progressive" label is back in vogue; politicians of the Left routinely use it to describe themselves, hoping to avoid the radical connotations associated with being "liberal" in the post-Reagan era. The irony in this is manifold, especially because the aim of the movement to which the name refers, the late-19th- and early-20th-century progressive movement, was anything but moderate.

If the progressive label seems less radical today, it is only because progressivism is less well known than its liberal progeny. It was initially an academic phenomenon far removed from American politics. Particularly in the post–Civil War American university, professors—many of whom had obtained their graduate training in German universities, and whose thought reflected the "intoxicating effect of the undiluted Hegelian philosophy upon the American mind," as progressive Charles Merriam once put it—articulated a critique of America that was as deep as it was wide. It began with a conscious rejection of the natural-rights principles of the American founding and the promotion of a new understanding of freedom, history, and the state in their stead. From this foundation, the progressives then criticized virtually every aspect of our traditional way of life, recommending reforms or "social reorganization" on a sweeping scale, the primary engine of which was to be a new, "positive" role for the state. As the progressives' influence in the academy increased, and growing numbers of their students sallied forth into all aspects of endeavor, this intellectual transformation gradually began to reshape the broader American mind, and, in time, American political practice. "A new regime in thought," as Eldon Eisenach writes, "began to become a new regime in power."

While many progressive academics helped effect this philosophical transformation, few, if any, were as influential as Dewey. Through an immense and wide-ranging body of work, vigorous activism, and his many students, Dewey's mark was deep and enduring. Part of the reason for this was that he enjoyed an unusually long and prolific academic career. In 1884, Dewey received his doctorate from Johns Hopkins University, that seedbed of progressive academia where—as Jonah Goldberg explains elsewhere in this issue—Richard T. Ely taught economics and helped cultivate future reformers like Woodrow Wilson, John R. Commons, and Frederic Howe. Over the course of his subsequent half-century career, Dewey taught mainly at the University of Chicago and Columbia University, where he held appointments in both philosophy and education, and published over 40 books and several hundred articles. In 1914, moreover, Dewey became a regular contributor to Herbert Croly's *New Republic*, the flagship journal of progressivism; he also played a more or less important role in the formation of the National Association for the Advancement of Colored People, the American Civil Liberties Union, and the American Federation of Teachers. During the New Deal, Dewey and his students helped shape the character of various programs, including the fine-arts program of the Works Progress Administration and the flagrantly socialist community-building program undertaken by the Division of Subsistence Homesteads. Dewey's social theory continued to influence major political events even after his death in 1952. President Johnson not only delivered many speeches (including his signature Great Society address) that read, as James Ceaser has aptly noted, like "a grammar school version of some of John Dewey's writings," but professed his admiration for "Dr. Johnny."

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Finally, Dewey arguably did more than any other reformer to repackage progressive social theory in a way that obscured just how radically its principles departed from those of the American founding. Like Ely and many of his fellow progressive academics, Dewey initially embraced the term "socialism" to describe his social theory. Only after realizing how damaging the name was to the socialist cause did he, like other progressives, begin to avoid it. In the early 1930s, accordingly, Dewey begged the Socialist party, of which he was a longtime member, to change its name. "The greatest handicap from which special measures favored by the Socialists suffer," Dewey declared, "is that they are advanced by the Socialist party as Socialism. The prejudice against the name may be a regrettable prejudice but its influence is so powerful that it is much more reasonable to imagine all but the most dogmatic Socialists joining a new party than to imagine any considerable part of the American people going over to them."

DEWEY'S influential 1935 tract, *Liberalism and Social Action*, should be read in light of this conclusion. In this essay, Dewey purportedly recounts the "history of liberalism." "Liberalism," he suggests, is a social theory defined by a commitment to certain "enduring," fundamental principles, such as liberty and individualism. After defining these principles in the progressives' terms—e.g. liberty means the "claim of every individual to the full development of his capacities"—Dewey claims that the American founders, no less than the progressives, were committed to them. By seemingly establishing the agreement of the two groups, Dewey is able to dismiss their disagreement over the proper scope of government as a mere disagreement over the best "means" of securing their common "ends." That is, although limited government may once have been the best means of securing individual liberty, its perpetuation in the changed social and economic circumstances of the 20th century would simply ensure liberty's denial. If contemporary defenders of limited government only realized this, he concludes, they would drop their commitment to limited government and enthusiastically join their fellow "liberals" in expanding the power of the state. Dewey's argument has enjoyed a potent legacy in subsequent scholarship, blinding many to what he and his fellow progressives plainly understood: however superficially similar, the founders' conception of freedom, and the way of living to which it gave rise, differs markedly from the progressive conception of freedom and the more wholly "social" way of living that follows from it.

Commentators tend to underplay Dewey's connection to the philosophical taproot of the wider progressive movement. Much attention is given to his role, along with William James, in founding pragmatism, a philosophical school frequently described as uniquely American. Dewey's turn to pragmatism is admittedly important, as it helped induce the development of the increasingly relativistic outlook so characteristic of contemporary liberalism. Nevertheless, such an account of his thought is both incomplete and overstated. Indeed, when he was a graduate student at Hopkins and in the early years of his career, Dewey's thought, like that of his fellow progressives generally, was decidedly Hegelian. Even after turning away from Hegelian metaphysics, Dewey retained a significant Hegelian residual. In 1945, less than a decade before his death, he declared: "I jumped through Hegel, I should say, not just out of him. I took some of the hoop . . . with me, and also carried away considerable of the paper the hoop was filled with." Dewey's break with Hegel was thus only partial, and did not essentially alter the content of the social theory he had developed while under Hegel's spell.

The cornerstone of this theory—the principle from which "Dr. Johnny's" diagnosis of America's shortcomings, and his prescription for its reform, proceeds—is a new, "positive" conception of human freedom. Like Hegel, Dewey distinguishes between the "material" and "spiritual" aspects of human nature, and ranks the latter higher than the former. "The appetites and instincts may be 'natural,' in the sense that they are the beginning," he explains in a 1908 text co-authored with James Tufts, but "the mental and spiritual life is 'natural,' as Aristotle puts it, in the sense that man's full nature is developed only in such a life." Although man's instincts are natural in the sense of being spontaneous, man's "mental and spiritual life is 'natural'" in a different and higher sense—a teleological one. Like his instincts, man's spiritual faculties exist in him from the beginning; unlike his instincts, however, they exist only in potential, in an inactive or undeveloped way. Man thus "cannot be all that he may be," cannot realize his "full nature" and thereby achieve his "best life," until he is able to develop his higher faculties properly and subordinate his lower nature to their rule—to the resulting "world of ideal interests." A man so developed, the early Dewey declares, would be "perfect." In short, for Dewey, as for Hegel, because individuals can become free only to the extent that they actualize their spiritual potential, true freedom is "something to be achieved."

In the early years of his career, accordingly, Dewey's socialism was grounded on a conception of human freedom synonymous with the realization or fulfillment of spiritual potential. (Even after his turn to pragmatism, interestingly, he continued to use this teleological nomenclature, however vigorously he denied the metaphysics from which it was derived.) Man's spiritual potential, while encompassing a host of faculties or talents that vary among individuals, also, and more essentially, consists in "capacities" common to all men, especially his social, intellectual, and aesthetic ones. Of these, man's social capacity is particularly significant. For Dewey, its development involves a process through which the individual's will becomes decreasingly determined by his particular interests and increasingly concerned with the "interests of others." Not only are these interests defined ultimately in terms of comprehensive good (or spiritual welfare), but these "others" ultimately include *all* human beings. As the individual grows more social, he will increasingly choose to promote the "fullest life" for every other human being in every sphere of life, e.g. in business and government (domestically and internationally) no less than in family and church.

IN the founders' view, by contrast, the natural rights of the individual correspond to a series of natural duties, the scope of which vary with the social relationship in question. Thus, while parents are obliged to promote the comprehensive good or welfare of their children, and to sacrifice their personal concerns accordingly, the obligations they owe unrelated adults are far more minimal—e.g. to refrain from interfering with their freedom, to honor contracts with them, and, at the outside, to promote their (mere) preservation. Beyond these duties, individuals are entitled to pursue their own concerns, a right that government, in turn, is obliged to respect. While individuals are free to assume a more robust obligation to unrelated others, as through a church, government itself is not the agent for advancing it.

From Dewey's (and the progressives') standpoint, so minimal an understanding of obligation allows men to pursue a degree of selfishness that is developmentally primitive and hence morally disgusting. The progressives' view on this matter is particularly obvious in the scorn they heap upon the free market, an economic system animated by the selfish, and hence base, profit motive, but they viewed virtually every aspect of life in America—e.g. the prevailing interpretation of Christian Scripture and worship of God, the aim and methods of education, the physical layout and architecture of our cities and towns, the pattern of rural settlement and the character of life within it, the use of our natural resources, etc.—in the same light. The way of living inherited from the American founding was, in short, a cesspool of selfishness.

When freedom is redefined in terms of spiritual fulfillment, the "problem of achieving freedom" radically changes. Freedom is no longer secured by constraining government interference with "the liberty of individuals in matters of conscience and economic action," as Dewey notes, but rather by "establishing an entire social order, possessed of a spiritual authority that would nurture and direct the inner as well as the outer life of individuals." The problem with limited government—with a government dedicated to securing the natural rights of man—is that it does not perform the more positive role of "nurtur[ing] and direct[ing]" the spiritual lives of the governed. Rather, it secures mere "negative freedom." "Negative freedom," Dewey clarifies, is "freedom *from* subjection to the will and control of others . . . capacity to act without being exposed to direct obstructions or interferences from others." In practice, freedom understood as natural rights is "negative" because government puts individuals in the enjoyment of their rights (e.g. the right to acquire and use one's property, to speak, to worship God according to the dictates of one's conscience, etc.), primarily by restraining others—and, importantly, itself—from

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May 12 (Wed)	Lisbon	Hotel check-in; day free
May 13 (Thu)	Lisbon	Tour of Old Town Lisbon and Jerónimos Monastery
May 14 (Fri)	Lisbon	Tour of Cascais & Sintra
May 15 (Sat)	Lisbon	Depart for Amadouro Coimbra City Tour (en route) Afternoon seminar, evening cocktail reception
May 16 (Sun)	Regua Pinhão	Morning seminar. Palacio de Mateus tour Gourmet dinner at Vintage House Hotel Late-night cigar smoker
May 17 (Mon)	Pinhão	Morning and afternoon seminars Afternoon Port wine lecture & tasting
May 18 (Tue)	Salamanca	City tour (all day) Late-night cigar smoker
May 19 (Wed)	Vega de Terron	Castelo Rodrigo tour. Afternoon seminar Evening cocktail reception Late-night Portuguese troupe performance
May 20 (Thu)	Lamego Bitetos	City tour. Afternoon seminar Dinner at Alpendurada Monastery Late-night smoker
May 21 (Fri)	Porto	Porto city tour Evening farewell cocktail reception
May 22 (Sat)	Porto	Debark

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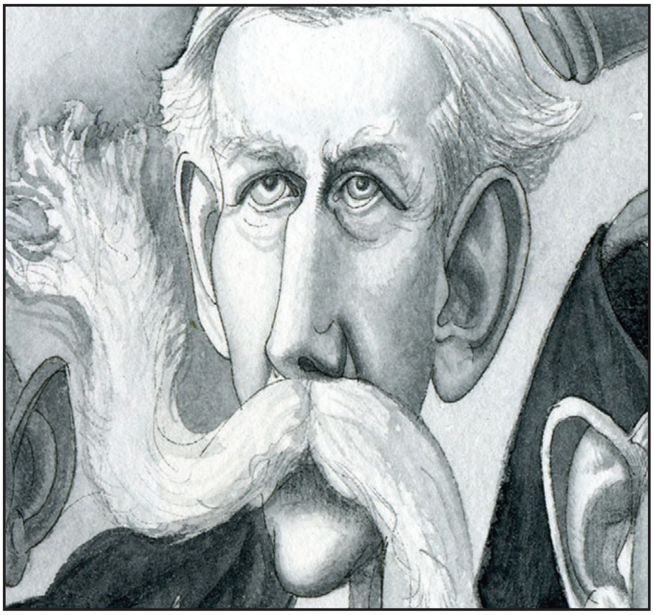
interfering with the individual's right to make such decisions. While interference with individual decision-making is certainly not altogether illegitimate in a limited government, freedom is the normal case and restraint the exception.

At best, Dewey argues, such a government secures to every individual the mere legal right to realize his spiritual potential, a right that for many is essentially worthless. "The freedom of an agent who is merely released from direct external obstructions is formal and *empty*," for unless he possesses every resource needed to take advantage of this broad legal opening, he will remain unable to exercise his freedom and thereby actualize his spiritual potential. While the law would "exempt [him] from interference in travel, in reading, in hearing music, in pursuing scientific research[,] . . . if he has neither material means nor mental cultivation to enjoy these legal possibilities, mere exemption means little or nothing." In view of this situation, the perpetuation of limited government would consign many, perhaps most, Americans to a condition of spiritual retardation.

If mere negative freedom is to be transformed into what Dewey calls "effective" freedom, accordingly, negative government must give way to positive government. That is, the legislative power of government must expand in whatever ways are needed—and hence however far proves necessary—to effect a wider and deeper distribution of the resources essential to the actualization of every American's spiritual potential. As Dewey presents it, and as subsequent political practice confirmed, this process is basically synonymous with the implementation of the positive conception of individual rights. In this new order, individuals are entitled to whatever resources they need to attain spiritual fulfillment. Because Dewey, like the progressives generally, regarded poverty as among the greatest constraints on spiritual development, a host of the new rights purported to enhance the material security of poorer Americans—e.g. the right to a job, a minimum wage, a maximum work day and week, a decent home (public housing), and insurance against accident (workers' compensation), illness (public health care), and old age (Social Security). Most of these rights were enshrined in federal law during the New Deal. Because access to education at all levels and to fine art are no less essential to spiritual fulfillment, Dewey also advocated generous public provision of these resources—and indeed the provision of both was a hallmark of LBJ's Great Society. Because all such resources are secured for those who lack them through the creation of new redistributive programs (which increase the burden on those who pay taxes) and the imposition of new regulations such as the minimum wage (which foreclose choices previously reserved to the individual), a politics of rights-as-resources inevitably erodes freedom in the founders' sense.

In sum, the core of Dewey's progressivism, socialism, or what subsequently became known (thanks in no small part to his efforts) as liberalism, is freedom understood as spiritual fulfillment. Because the embrace of this ideal necessitated a thoroughgoing reconstruction of the American way of living, primarily by means of the positive state, it revolutionized not only the founders' theory of limited government, but also their constitutionalism: for, as Dewey and Tufts candidly note, progressive judges have "smuggled in" many valuable reforms by devising "'legal fictions' and by interpretations which have stretched the original text to uses undreamed of." Dewey was hardly alone in encouraging this transformation, but few would deny the preeminent role he played in it. **NR**



The Curious Constitution of Oliver Wendell Holmes Jr.

BY BRADLEY C. S. WATSON

Oliver Wendell Holmes Jr. was appointed to the U.S. Supreme Court by Theodore Roosevelt, America's first progressive president. He served from 1902 to 1932, and his name remains familiar to this day. There is good reason for that, as Holmes stands out among Supreme Court justices for his enduring influence on constitutional jurisprudence.

Holmes set forth the essence of progressivism as a legal theory, though he was not primarily a theorist. Instead, he was a practitioner, so we must distill from his many arguments and judgments a coherent account of progressivism as a distinctly legal—as opposed to philosophical or political—movement (though it was certainly all three of these things). The legal aspect is important, because by the middle part of the 20th century, it was clear that the judicial branch of government was the one that would carry progressive ideology forward in the most comprehensive manner.

Holmes was heir to, and an exponent of, doctrines that permeated American intellectual circles during the late 19th and early 20th centuries. These doctrines were offshoots of the era's new "scientific" attitudes toward politics and human affairs. After the Civil War, Social Darwinism and pragmatism came to dominate

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the American intellectual landscape, sweeping away all notions of politics grounded in moral truths; in legal circles, they spawned a version of constitutionalism dedicated to their defense. By the early 20th century, the two doctrines had merged to form the compact and powerful ideology of progressivism.

For both pragmatists and Social Darwinists, life and thought are directed to continuous change, experimentation, and adaptation. The test of the worthiness of any proposition is not its truth in and of itself—a truth grounded in the nature of things—but its adaptive success ("survival of the fittest"). This process of endless change and adaptation is the engine of progress. Although Holmes is often depicted as an advocate of "judicial restraint," he saw the need for courts to provide creative responses dictated by the times. And for progressives, the times are always a-changin'.

For Holmes, law and society are forever in flux, and courts adjudicate mainly with an eye to the law's practical effects. For this reason, Holmes led the charge to eradicate judicial reasoning that was based on principles of natural law or natural rights. Morality, he felt, has nothing to do with the law; it amounts to no more than a state of mind. There are no objective standards for determining right and wrong, and therefore no "just" or "constitutional" answers to legal questions. Legal adjudication has no principled basis; instead it comes down to weighing questions of social advantage according to the exigencies of the age.

Holmes's view raises a fundamental question: If the Constitution does not dictate anything timeless and enduring, is there any ground for faith in the Constitution itself, or in classical-liberal constitutionalism? Such a constitutionalism, after all, would seem to require an understanding that only known and promulgated laws, whose meaning is stable over time, can bind citizens. Yet Holmesian "legal realism" denies the very possibility of such laws.

In a 1915 essay, Holmes writes: "When I say that a thing is true, I mean that I cannot help believing it. . . . But as there are many things that I cannot help doing that the universe can, I do not venture to assume that my inabilities in the way of thought are inabilities of the universe. I therefore define the truth as the system of my limitations." Even more radically, Holmes's efforts to debunk the philosopher's quest for "absolute" truth or the jurist's quest for "natural law" lead him to suggest that the morality of even the greatest human struggles depends entirely on the outcome. In a 1918 essay titled "Natural Law," Holmes writes:

> I used to say, when I was young, that truth was the majority vote of that nation that could lick all others. Certainly we may expect that the received opinion about the present war [i.e., World War I] will depend a good deal upon which side wins (I hope with all my soul it will be mine), and I think that the statement was correct in so far as it implied that our test of truth is a reference to either a present or an imagined future majority in favor of our view.

This account reduces what is called "natural law" to an inexorable process of historical unfolding and paints it as nothing more than a dominant opinion. Holmes thereby lays the foundation for a judicial seeking-out and support of such dominant opinions (even, it turns out, if they begin in foreign lands putatively more advanced than our own) and, concomitantly, a judicial aversion to "weaker" opinions or entities that appear not to support the strength and growth of the social organism.

When Holmes dismisses traditional concepts of natural law, his jurisprudence becomes merely a predictive tool along the lines of modern science. Well-trained lawyers, according to Holmes, become the oracles of the new legalism and indeed the new constitutionalism. To know legal dogma is to be able to make predictions. Under Holmes's definition of truth as that which is strongest or most useful in the here and now, it is beyond lawyers' ability—or anyone's—to point to the "constitutional" truth of things; the concept has no meaning.

IN an influential 1897 essay titled "The Path of the Law," Holmes writes: "People want to know under what circumstances and how far they will run the risk of coming against what is so much stronger than themselves, and hence it becomes a business to find out when this danger is to be feared. The object of our study, then, is prediction, the prediction of the incidence of public force through the instrumentality of the courts." Such a claim is in significant tension with the understandings of law at the heart of the Western intellectual tradition. It is very far from Plato's notion that law seeks to be a discovery of *what is*, or Thomas Aquinas's notion that proper human law must not conflict with natural law, which is accessible to unaided human reason. It is also very far from the American founders' written constitutionalism, which was designed to protect the God-given natural rights of equal political beings.

In what terms are we to understand what the law's instrumentality—the courts—will actually *do*? Holmes claims that law reflects not logic but experience. Law cannot be understood to be syllogistic, with the major premise of sound legal analysis being found in the law itself and the minor premise in the facts of the case. If it could, then judges would be able to decide cases on the basis of right reason. Instead, judges must look to history and incorporate science—especially economic science—into their jurisprudence. Holmes's Social Darwinism is exhibited in his view that judges express the wishes of their class at a particular historical point. The content and growth of the law are determined as much by organic "forces" as by men.

The actual grounds of decision, according to Holmes, are based on the "felt necessities" of the time: Judges decide questions first and find reasons for them ex post facto. There can thus be no logical necessity or reasoning about law, apart from calculations dictated by answers to questions of socioeconomic advantage. Holmes maintains that one of the problems of the common law prior to legal realism was that it had not been, in a certain sense, theoretical enough, i.e., not reliant enough on utilitarian social and economic theory, as opposed to insights into eternal questions of justice. In fact, he writes in "The Path of the Law" that a judge gives his conclusions "because of some belief as to the practice of the community or of a class, or because of some opinion as to policy. . . . Such matters really are battle grounds where the means do not exist for the determinations that shall be good for all time, and where the decision can do no more than embody the preference of a given body in a given time and place. . . . Our law is open to reconsideration upon a slight change in the habit of the public mind. No concrete proposition is self-evident."

The core of Holmes's legal realism—its pragmatism along with a confidence in, or grim acceptance of, the progress of

History—is brought into relief by examining its insistence that courts must interpret and balance rights. The importance of this judicial balancing is nowhere more evident than in Holmes's free-speech jurisprudence. In *Schenck* v. *United States* (1919), Holmes stated the famous "clear and present danger" test as a pragmatic doctrine that avoids inquiry into the content (that is, the nature) of speech and concentrates only on its likely effects. Prior to the articulation of this doctrine, the content of speech was considered of vital constitutional import.

In *Abrams* v. *United States* (1919)—decided just months after *Schenck*—a majority of the Court upheld the convictions of anti-government, anti-war radicals who advocated violence. Holmes dissented on the basis of his "clear and present danger" test. According to Holmes, free speech fosters free trade in ideas, and the test of "truth" is its ability to get accepted in the marketplace of ideas, which will happen when the market assesses its needs. Implicit in this is a Darwinian confidence that society need not fear that which triumphs. The beliefs that will triumph in the long run are what is critical—not the constitutional or regime beliefs that have existed up to the present, much less a timeless natural law.

For Holmes, rights are willed by the dominant forces of an age and community. Whatever prevails is right; therefore all political developments are good until they are no longer ascendant, and every regime is worthy until it crumbles or is overthrown. Judges and legislators must to some large degree reflect dominant forces according to the state's position in History, with a capital H—that is to say, history understood not as a mere record of events, but as an inexorable process that dictates its own moral categories. Holmes was therefore a progressive in this Historical sense, rather than in his individual judgments, which could readily favor repressive measures. Holmes's thought can be said to reduce to a new "natural" law—i.e., a Darwinian process of triumph over lesser forms, or progressivism as legal theory.

In *Gitlow* v. *New York* (1925), Holmes makes this claim: "If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way." Yet if, as Holmes asserts, the Constitution is itself neutral or indifferent on this question, what is the basis for his constitutional ruling in favor of a First Amendment claim? Again, we are led to Darwinian experimentalism, albeit of a foreboding, fatalistic kind.

HOLMES was often willing to show great deference to legislative judgments as the sovereign expressions of popular will. In *Lochner* v. *New York* (1905), Holmes dissented (on the grounds of constitutional neutrality) from a majority that held that state economic regulations limiting work hours were unconstitutional. He famously claimed: "I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinions in law. . . . I think the word liberty in the Fourteenth Amendment is perverted when it is held to prevent the natural outcome of a dominant opinion." But this modest conception of the judicial function in a democracy was not Holmes's final word. Holmes's jurisprudence suggests that the Supreme Court should intervene where the legislative branch limits free speech, but not where it limits economic freedom. For Holmes, survival or progress might require activism or restraint, and reliance on either is purely an instrumental—or experimental—question.

Racial improvement through eugenics was one outgrowth of early-20th-century progressivism, which placed considerable faith in the ability of science and purportedly scientific administration to solve social problems. In one of his most notorious judgments, Holmes wrote the 8-to-1 majority opinion in *Buck* v. *Bell* (1927), which upheld Virginia's compulsory-sterilization law. Holmes upheld the law on the grounds that those targeted by it were treated with scrupulous procedural fairness. Decrying those who "sap the strength" of society, and contending, in reference to the affected litigant and her family, that "three generations of imbeciles are enough," Holmes seemed to accept the eugenic arguments to the point of endorsing them on grounds of public policy. He reasoned by analogy, comparing the hardships of sterilization with the sacrifices of soldiers in battle. Referring to the Civil War, he argued that if "the public welfare may call upon the best citizens for their lives," surely those who sap the strength of the state could be called upon for a lesser sacrifice.

Following in Holmes's footsteps, a long line of progressive jurists have broken with the founders' Constitution—and with it, the very notion that human beings are creatures of a certain type, with transcendent purposes that do not change over time. In his rejection of natural law and natural rights—and thus of a classical liberal constitutionalism with limited state power—Holmes laid the groundwork for the contemporary era of jurisprudence, in which judges look to their visions of the future more than to the documents and doctrines of the past, and take on a new and far more active role in the constitutional order. The retrospective conception of the law—common or constitutional—hangs today by a bare thread.

There is a residual incoherence to the progressive jurisprudence that has followed Holmes. It alternates between two poles. On one hand, it expresses the desire to make decisions that are legitimate in the eyes of the community—decisions that respond to something like, in Holmes's words, the "felt necessities" of the age. On the other, it encourages decisions that oppose what it claims is illegitimate majority will. But neither pole is rooted in constitutional text, tradition, logic, or structure. Rather, they are both rooted in the judge's view of which necessities are most deeply felt and most likely to encourage social and personal growth. The practical result, in contemporary jurisprudence, is that art trumps economics, expression trumps the common good, subjectivity trumps morality, freedom trumps natural law, and will trumps deliberation. Such is the face of progressive jurisprudence, a face that now seems tremendously weather-beaten from its triumphal march of a hundred years' duration.

Having rooted itself so firmly in the historicist thought that guides America and—under different names—the Western world as a whole, and having gained so much strength and momentum on its virtually uninterrupted path, this jurisprudence will not be displaced anytime soon. Its success is marked by the fact that it no longer seeks victory, only legitimation in a constitutional order that is still at odds with it. **NR**

Herbert Croly's American Bismarcks

BY FRED SIEGEL

HERBERT CROLY'S 1909 book *The Promise of American Life*, the ur-text of pre–World War I progressivism, was still essential reading for 1960s college students. In 1965 alone, the book was reprinted by three major publishers, each featuring a new introduction by a prominent liberal historian (in one case, Arthur M. Schlesinger Jr.). Students were, at the best schools, taught in the days of the Great Society to see *The Promise* not only as the founding document of modern American liberalism—and a prophecy of the New Deal—but also as a charter empowering them to become the country's future political and cultural leaders.

Croly's book taught students that the growth of government could best be understood as the natural expression of the underlying forces of American history. The book's most famous argument was that through progressivism America could achieve its rendezvous with destiny by applying "Hamiltonian means"—that is, the power of a strong central government—to achieve "Jeffersonian ends"—namely, the enhancement of individual freedom.

The problem with this catchy formulation is that, while Croly is indeed the first founding father of modern liberalism, he had little use for Hamilton's ideal of a commercial republic and even less for Jefferson's yeoman individualists; they were the *bêtes noires* of his writing. "To achieve a better future," he argued, Americans had to be "emancipate[d] from their past."

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Croly had studied in Paris and had, in the words of his friend, the literary critic Edmund Wilson, "an addiction to French political philosophy"; Wilson also said that Croly "considered his culture mainly French." Croly's aim was to refound the republic on a Francophile footing. His argument in *The Promise* and its successor, *Progressive Democracy* (1915), two books so tightly connected that Croly said that he wished he had written them as one, is best described as a plan for achieving (Auguste) Comtean ends—that is, the worship of society—by Rousseauean means—i.e., a plebiscitary democracy led by enlightened experts. As Croly himself explained it, he was "applying ideas, long familiar to foreign political thinkers, to the subject matter of American life."

If liberals have a hard time understanding their own history, that's true in part because they've so successfully avoided dealing with who Herbert Croly was and what he hoped to achieve.

Croly's moralistic streak led his detractors to describe him as "Crolier than thou," but it was an unconventional kind of morality. He was born in 1869 to David Croly and Jane Cunningham Croly, both successful New York journalists. David Croly, a sexual reformer who believed that copulatory repression bred social disorder, was a founding member of the Church of Humanity, an institution dedicated to propagating the ideas of the French sociologist Auguste Comte. His wife, known professionally as "Jennie June," was a caustic critic of marriage and a leading feminist writer. Their son was among the first in America to be baptized into the Comtean faith. Comte, a utopian socialist of sorts, attributed the troubles of the modern world to the "spiritual disorganization of society." He wanted to deploy positivist science to restore the unity lost to the Protestant Reformation, and thus create a modern version of the "moral communism of medieval Christendom."

THE young Herbert Croly was raised to be a prodigy but developed slowly. He left Harvard before graduating and he wrote for the *Architectural Record* until, at the age of 40, he produced *The Promise of American Life*. The book sold poorly but propelled him onto the national stage, where he drew the interest of former president Theodore Roosevelt. Croly would influence TR just as TR, whom Croly saw as a sort of American Bismarck, had already influenced him.

Bismarck was much on Croly's mind. In *The Promise*, Croly showed nothing but contempt for English liberalism. He saw it leading to "economic individualism . . . faith in compromise . . . and a dread of ideas." These had, he wrote, made "the English system a hopelessly confused bundle of semi-efficiency and semi-inefficiency." Croly much preferred the greater efficiency and, as he saw it, the greater equality of Germany, where "little by little the fertile seed of Bismarck's Prussian patriotism grew into a German semi-democratic nationalism." Its great virtue was organization: "In every direction," he wrote, "German activity was organized and was placed under skilled professional leadership, while . . . each of these special lines of work was subordinated to its particular place in a comprehensive scheme of national economy. The upshot increased security, happiness and opportunity for development for the whole German people."

Croly saw economic inequality in America as an expression of an industrial capitalism born of economic individualism that needed to be rectified by state action. This view was incorporated into the liberal canon. Similarly, liberals came to accept as a given his insistence that, in America, the German path could be achieved only by using higher education to create the "skilled professional leadership" needed to run society. Entrusting public affairs to this educated class would, Croly believed, have "a leavening effect on human nature." "Democracy," he said, "must stand or fall on a platform of possible human perfectibility." These were the words of a radical, not a reformer—a man who, like Marx and Comte, saw himself as leading humanity to a higher and more refined stage of civilization.

Croly believed businessmen and their allies—the jack-of-all-trades latter-day Jeffersonians—were blocking the path to the bright future he envisioned for the specialists of the rising professional classes. America's business culture threatened individuality, he insisted, because businessmen, despite their differences, "have a way of becoming fundamentally very much alike. Their individualities are forced into a common mold because the ultimate measure of the value of their work is the same, and is nothing but its results in cash. . . . In so far as the economic motive prevails, individuality is not developed, it is stifled."

The flip side of Croly's hostility to self-interested businessmen was his adoration of the new class of intellectuals and artists emerging in America. This class had the virtue, he insisted, of a "disinterested" take on public affairs, which allowed it to rise above the petty peculiarities of the marketplace in order to serve all of humanity, in the manner of Plato's guardians. But Croly complained that "the popular interest in the Higher Education has not served to make Americans attach much importance to the advice of the highly educated man. He is less of a practical power in the United States than he is in any European country." Like H. G. Wells in England, Mussolini in Italy, and Lenin in Russia, Croly wanted the collective power of society put "at the service of its ablest members," who would be given the lead roles in the drama of social re-creation.

Croly's progressive-era audience was stirred by his insistence that the "ablest" deserved a more interesting world. "The opportunities, which during the past few years the reformers have enjoyed to make their personal lives more interesting, would be nothing compared to the opportunities for all sorts of stirring and responsible work, which would be demanded of individuals under the proposed plan for political and economic reorganization."

The Promise closes with Croly promising that "the common citizen can become something of a saint and something of a hero, not by growing to heroic portions in his own person, but by the sincere and enthusiastic imitation of heroes and saints." This will depend, he argues in the closing sentence, on "the ability of his exceptional fellow-countrymen to offer him acceptable examples of heroism and saintliness." Croly's critique of industrial inequality had by its conclusion become a call for, in his own words, the "creation of a political, economic, and social aristocracy."

CROLY played an important role in the extraordinary presidential election of 1912, in which the incumbent, Republican regular William Howard Taft, was challenged not only by his predecessor, Teddy Roosevelt, but also by Democrat Woodrow Wilson and by Socialist Eugene V. Debs. Not since the days of the founding fathers had so much candlepower been deployed in the pursuit of public office. Croly successfully took it upon himself to articulate Roosevelt's New Nationalist creed in opposition to what he saw as the neo-Jeffersonianism of Wilson's "New Freedom," as articulated by Louis Brandeis.

Caught up in the then-leftward drift of the country, Croly reframed his earlier argument in a new book, *Progressive Democracy*. In *The Promise*, Croly's target had been the Jeffersonian ideal as exemplified by its latter-day exponent, the populist William Jennings Bryan; in the important but far less influential *Progressive Democracy*, the object of his ire was the Constitution. Constitution worship, he argued, had produced "the monarchy of the Word." Its legalistic constraints had become the enemy of Croly's version of democracy, which he saw embodied in the syndicalist promise of the Industrial Workers of the World.

Croly hoped to see geographic representation, with its accompanying two-party system, replaced by syndicalist-style functional representation. In Croly's ideal, government would not be built around states (which would be dissolved into the federal authority) but organized in terms of "associations of businessmen, of farmers, and of wage earners . . . of civic societies, voters' leagues, ballot associations, women's suffrage unions, single tax clubs and the like." Croly's goal has, in fact, been partly achieved, helping to cause the current fiscal crises of the deep-blue states. In California and New York, for instance, politics has been partly syndicalized, with virtual representation by racial interest groups and the public-sector unions to a degree displacing the old moderating ideal of geographic representation, under which a variety of interests had to be considered.

In Croly's scheme, echoes of which can still be heard in demands to abolish the Electoral College, local parties and their bosses would be bypassed through plebiscitary democracy based on the ballot-initiative, referendum, and recall processes, with power concentrated in the hands of the national executive. The executive, in turn, would govern through commissions staffed by experts—an idea that endures in Obamacare. The commissions, in anticipation of the New Deal, would serve as what Croly called the "fourth department," or fourth branch of government. "The planning department of the progressive democratic state is created for action." What sort of action? "It plans," wrote Croly, with his customary vagueness, "as far ahead as conditions permit or dictate. It changes plans as often as conditions demand. It seeks above all to test its own plans, so

Herbert Croly believed businessmen were blocking the path to the bright future he envisioned for the specialists of the rising professional classes.

as to discover whether they will accomplish the desired result."

Returning to Charles Fourier's themes of sexual liberation, which had intrigued his father, Croly launched an attack on the old ideal of self-restraint. "Modern psychology," he insisted, "affords no sufficient excuse for a morality of repression." Social education "should seek primarily to release and develop rather than to dam up the instinctive sources of action in human nature." Drawing on the 19th-century utopian socialists while anticipating both the bohemian culture of the 1920s and the later hopes of the '68ers, Croly argued that the growth of material wealth freed individuals to define themselves by their leisure activities. "The social culture itself will partake rather of the nature of play. . . . It might make every woman into something of a novelist and every man into something of a playwright." Each would be able to pursue his own objective while maintaining the well-being of the organic whole, he argued, because "the progressive democratic faith . . . finds its consummation in a love . . . which is at bottom a spiritual expression of the mystical unity of human nature."

Croly, a soft-voiced, preternaturally shy man, founded *The New Republic* in 1914 to serve as the voice of enlightened statism. By this time the Wilson administration had turned in Croly's direction, and Croly had transferred his hero worship from Teddy Roosevelt to the once-reviled Princeton professor sitting in the White House. *TNR* under Croly's leadership gathered a brilliant band of young writers, including Walter Lippmann, Walter Weyl, and Randolph Bourne. The last broke bitterly with Croly and *TNR* when the magazine backed Wilson's reluctant entry into WWI. The Germanophile Bourne accused Croly of criminal naïveté in thinking that the war might be turned to progressive purposes. And when the fighting ended with a disappointing peace in Europe, combined with repression and Prohibition at home, Croly was a broken man.

In Croly's ideal, government would not be built around states, but organized in terms of 'associations of businessmen, of farmers, and of wage earners.'

IN the early 1920s, a depressed Croly turned away from his deep involvement in politics and returned to his Comtean roots. He wrote of his despair in "The Breach in Civilization," a manuscript that he withdrew from publication at the last moment. It argues that the subjectivism of the Protestant Reformation was the source of the world's ills: The "materialism and individualism" of the modern world, he wrote, thrived "at the expense of a unified authoritative moral system." And that, he says, produced a disaster: "the fumbling experiment . . . of an essentially secular civilization."

In the wake of the 1924 presidential election and the defeat of his hopes for the third-party candidacy of Robert La Follette Sr., Croly turned to the spiritual succor offered by "psychosynthesis." This was the New Age spirituality served up by the English guru A. R. Orage, who for a time became a fixture at *New Republic* lunches. During this phase of his life Croly argued that, more than social justice, "liberalism should work toward a religious regeneration that could not be realized through the traditional efforts of reformers."

Intellectually adrift, in 1927 Croly found hope in Mussolini's Italy, explaining that "whatever the dangers of fascism, it has at any rate substituted movement for stagnation, purposive behavior for drifting, and visions of great future for collective pettiness and discouragements." Despite his distaste for the suppression of civil liberties, Croly saw in Mussolini a kindred spirit of pragmatic experimentation. He warned his anti-Mussolini liberal colleagues at *TNR* and elsewhere against "outlawing a political experiment which aroused in a whole nation an increased moral energy and dignified its activities by subordinating them to a deeply felt common purpose."

Croly died in 1930 a spent force. His colleague and fellow *TNR* mystic Waldo Frank remembered him fondly as a man whose passion endowed "government commissions with ideals of knight-errantry." Croly, said literary critic Edmund Wilson, "was a kind of saint. . . . In another age he might have become the founder of a religious order." But it was *The New Republic*'s polemicist for planning, George Soule, who saw what Croly meant for liberalism. Soule wrote that what was important in Croly's thinking was its elevation of "the process of liberation of the personality, not mere achievement of honest city government, regulation of monopolies, or better conditions for labor." Liberalism, Soule explained, was a mental attitude, the faith in the pursuit of a new truth as the chief agency of human deliverance. Which is to say, Croly's vision was intended to transcend politics and take on the character of a spiritual mission.

That quasi-religious approach survives today. Thanks in part to Croly, liberal intellectuals learned to conceal, even from themselves, their will to power, reimagining it as the selfless—Croly would have written "disinterested"—pursuit of the "new truth" they were offering to the world. But that dream of "human perfectibility" was fundamentally defective. As Ruth Wisse has noted, the bourgeois society the progressives held in contempt was "never so flawed as was the dream of a new kind of human being who could transcend it."

Yet that dream of transcendence endures. When Wilson failed to deliver the impossible in WWI, avant-garde progressives remained unshaken in their belief in that "new truth," but they began to call themselves "liberals." Recently, American liberals saddled with the failures of big-government social policies have returned to the old nomenclature, calling themselves "progressives." And, like Croly himself, they have a weakness for hero worship but are fickle in their allegiances. Their newest hero, Barack Obama, promises the impossible, and he too is headed for the shoals. American liberals, having run out of name changes, are likely to end up stranded on the same sand bank: Whether they know it or not, they remain in thrall to Croly's ideas and excesses, endlessly repeating his errors. **NR**

The Long View BY ROB LONG

Transcript: *Larry King Live!*

DEC. 22, 2010

LARRY KING: Tomorrow night! The whole hour with the cast of *Fantasy Island*! Living and not! From Indianola, Mississippi! Hello!

CALLER: Hi, Larry. Hello, Mr. Claus.

S. CLAUS: Ho ho.

CALLER: I just want to know where you and Mrs. Claus are now, in your relationship.

LARRY KING: Good question. How about it, Nick? Is there healing? Is there anger? When the 19th Mrs. Larry King and I had reached that point, it was not pretty, let me tell you.

S. CLAUS: Well, look, Larry, I'm the first to admit I've made mistakes—

LARRY KING: I like that. "Mistakes." I'm gonna remember that one.

S. CLAUS: This has all been very painful for me, Larry.

LARRY KING: I guess I gotta ask: How'd you have time for so many other ladies? I'm thinking, Santa Claus is a busy guy, with the list-checking and the toy stuff and the whole elf mishegas. You had time for, how many?

S. CLAUS: I don't want to—

LARRY KING: I got a producer in my ear says seventeen. Seventeen?

S. CLAUS: It was a fair amount. I'll say that.

LARRY KING: And they each got, what? A million?

S. CLAUS: I don't want to get into specific numbers.

LARRY KING: But it was up there, am I right?

S. CLAUS: Well, Larry, as you know, my personal wealth is almost impossible to pin down. Even for me. The North Pole compound and the various factories are held in a trust—that's not my money, Larry, that really belongs to the children of the world—and the rest of my personal holdings are shared jointly between Mrs. Claus and me, in a custodial account held at Goldman Sachs.

LARRY KING: Always Goldman! You heard it here first, folks. Even Santa Claus wants a good, reliable Jewish banker! I love it! From Willoughby, Ohio, hello!

CALLER: I'd like to ask your guest if he thinks technology had anything to do with his present situation?

LARRY KING: Yes! Good question! Nick, do you Tweet? Do you Facebook? 'Cause we all know that you text! Whoo boy! Do you ever text!

S. CLAUS: And I regret that, Larry. I really do.

LARRY KING: Should've been more discreet?

S. CLAUS: Well, sure, yes. Okay. Of course, I shouldn't have been doing that kind of thing in the first place.

LARRY KING: Is it hard? Being so famous? Being, what, the number-one- or -two-ranked guy in the world, popularity-wise? You can fly anywhere on that sleigh of yours. Women throwing themselves at you.

S. CLAUS: I'm not making excuses, Larry, but yes, being me has certain challenges.

LARRY KING: Have you lost some endorsements?

S. CLAUS: Sure. They don't sing about me coming to town anymore, and I'm pretty much banned from department stores.

LARRY KING: You know what one I love? The one about Mommy kissing you underneath the mistletoe!

S. CLAUS: Obviously, that's totally out.

LARRY KING: Too bad. Cute song. From Corpus Christi, Texas! Hello!

CALLER: I'd like to ask Mr. Claus if, you know, from looking at all of those pictures from all of those women, if, you know, he has a certain type he likes, or . . .

LARRY KING: Great question! Gotta say, Nick—they all have that look, you know?

S. CLAUS: I don't really see it.

LARRY KING: Seriously? You don't see the resemblance in all of those gals? All sort of plumpish. White hair. Matronly. Twinkle-in-the-eye situation.

S. CLAUS: Not seeing it, Larry.

LARRY KING: Talk about a denial situation! Nick! They all look like Mrs. Claus. But, you know, a little more fun. Like a dirtier version of Mrs. Claus.

S. CLAUS: Well, Larry, I'll leave that to others to discuss.

LARRY KING: I remember looking at a photograph of the 16th Mrs. Larry King and realizing that she was just a slightly nastier version of the seventh Mrs. Larry King. And I mean "nastier" in the good sense.

S. CLAUS: You know, Larry, I'm trying to move past that. I'm thinking about the future. I need to spend some time with Mrs. Claus, and our elves, and try to repair the damage I've done. Which is why I'm taking an indefinite leave from flying around Christmas Eve and delivering presents.

LARRY KING: Whoa, whoa. What? For serious?

S. CLAUS: My family and I need some time. It's been a real ordeal, Larry. And with these women coming out of the woodwork every day, maybe it's time to take a break.

LARRY KING: How the Tramps Stole Christmas! Sad story! This weekend! Ryan Seacrest and the Real Housewives of Indianapolis!

Books, Arts & Manners

The Eternal Detective

THEODORE DALRYMPLE

As I waited recently for the Darjeeling Mail in the New Jalpaiguri Station in West Bengal, my eye was caught by three titles in English in the platform bookstall: *My Experiments with Truth*, by Mahatma Gandhi; *How to Win Friends and Influence People*, by Dale Carnegie; and *The Case-Book of Sherlock Holmes*, by Sir Arthur Conan Doyle.

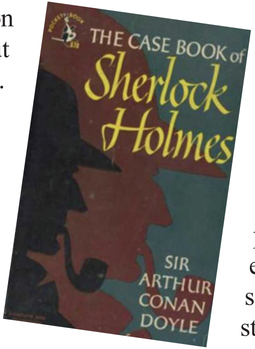
The last was published in 1927, the very last of the Holmes books. In the preface, Conan Doyle, who had by then made several attempts to free himself of his own creation, whose popularity he felt was hindering his other and more serious literary endeavors, expressed the "fear that Mr. Sherlock Holmes may become like one of those popular tenors who, having outlived their time, are still tempted to make repeated farewell bows to their indulgent audiences."

Certainly no one could be found in India to agree with this sentiment. All Indians literate in English (and they now number scores of millions) love Sherlock Holmes; you have only to carry a volume of the stories with you there to strike up a conversation with a member of the vast, informal Conan Doyle fellowship. I doubt that there is another author in history who has created such a heartfelt and extensive fellowship: Only P. G. Wodehouse comes near to him in India.

It is not only in India, of course, that the great detective and his creator inspire such affection and devotion. Practically no country is without its Sherlock Holmes Society; many countries have many such societies, whose members annually reenact in period costume scenes like the struggle between Holmes and Professor Moriarty at the Reichenbach Falls. Oddly enough, these activities began well before the canon, as all Sherlockians call it, was complete, or even half-complete; here, if anywhere, is a case of a great author's work being recognized as such in his own lifetime.

Also here, if anywhere, is evidence in favor of Carl Gustav Jung's theory of archetypes. In the preface quoted above, Conan Doyle tells of how old men come up to him to tell him that they remembered with fondness reading the Sherlock Holmes stories in their childhood, though in fact they could not have done so because the stories had not yet been written when they were children. It is as if Conan Doyle had managed to express something for the first time that lay hidden deep in the human psyche. It is not only that once you have read Sherlock Holmes you never forget him; it goes far deeper than that; it is that you felt there was never a time when you had not read him.

The popularity of the Sherlock Holmes canon is not of a superficial kind, like that of the latest pulp-fiction bestseller, but—if I may so put it—of a deep and abiding kind. For Sherlock Holmes attracts not only the casual reader, those of average intelligence or ability, but the deep student and the brilliantly gifted. The membership of Holmes societies around the world is of high intellectual caliber; their publications are learned and ingenious. Never is pedantry more joyously or innocently employed, for example, than in the ferreting out of the details of the biography of Sherlock Holmes (and Dr. Watson, of course).



There is now, therefore, a vast secondary literature on Sherlock Holmes, and a tertiary literature also: writing about writing about Sherlock Holmes. It surely cannot be long before there is a quaternary literature too, if it does not already exist: writing about writing about writing about Sherlock Holmes. For no one ever feels he is wasting his time or substance in devoting himself in any way to the study and expansion of knowledge of Sherlock Holmes.

He brings out the pedant in me, too (though I admit that it doesn't take much to do so). In the story "The Speckled Band," for example, it is obvious that the evil Dr. Grimesby Roylett's method of bringing about the death of his two wards, to prevent them from celebrating the marriages after which the income from their endowments would go to them rather than to him, is not very plausible. He trains and induces a snake, an Indian swamp adder, to crawl through a vent between his own bedroom and theirs and bite them to death. One of them dies of the poison within seconds of the bite, but happily Holmes and Watson are on hand to prevent a double tragedy.

Among the many implausibilities of the story is the nonexistence of any such creature as the Indian swamp adder. There is an African swamp adder; but in any case, if there were an Indian one, its poison, being cytotoxic rather then neurotoxic, would kill only very slowly if at all.

But, of course, Conan Doyle is a tease; he knows that his stories oscillate ceaselessly between 221b Baker Street, London W., and Fairyland. In the same story, Holmes says to Watson, apropos of the evil Dr. Roylett: "When a doctor does wrong he is the first of criminals. He has nerve and he has knowledge. Palmer and Pritchard were among the heads of their profession. This man strikes even deeper, but I think, Watson, that we shall be able to strike deeper still."

Now pedants have remarked that Holmes was here deeply in error: Palmer and Pritchard were decidedly not at the head of their profession. Dr. Palmer, popularly known as the Prince of Poisoners, and still the only hero his hometown, Rugeley, has ever produced, was publicly hanged before Stafford Gaol in front of an appreciative crowd of 30,000 (the population of Stafford at the time having been 10,000, the execution was very good for business), turning to the executioner as he approached the hastily erected scaffold and asking the immortal question, "Is it safe?"

Dr. Palmer had poisoned a widening circle of people around him and, as Conan Doyle, a doctor himself, must have known very well, had never been either a com-

Mr. Dalrymple, a doctor, is the author of several books, including The New Vichy Syndrome: Why European Intellectuals Surrender to Barbarism, *forthcoming from Encounter Books in March 2010.*

petent or an enthusiastic practitioner of the art and science of medicine. As for Dr. Pritchard, he always had a very dubious reputation, moving about the country leaving dark rumors behind him, until he poisoned his mother-in-law for money and became the last man to be publicly executed in Glasgow, dying with hilariously odious religious sanctimony on his lips. (Incidentally, Dr. Pritchard was born in the very town, Southsea, where Conan Doyle set up, not very successfully, as a general practitioner.)

So far from being an error, Holmes's remarks are a gentle satire on Conan Doyle's erstwhile profession—which happens also to be mine. This impression is furthered by a sentence in the story "The Blue Carbuncle," which appears in the same volume as "The Speckled Band," namely *The Adventures of Sherlock Holmes*. Holmes's client, called James Ryder, says: "I had a friend once called Maudsley, who went to the bad, and has just been serving his time in Pentonville." Could it be entirely a coincidence that the leading English alienist (as psychiatrists were then called) of the time was Henry Maudsley, who concerned himself much with the criminal mind, writing textbooks on the subject? Why Maudsley, then, of all possible names for the friend who had gone to the bad?

Dr. Maudsley was a proponent of the kind of theory that Conan Doyle in real life despised, namely that criminality was consequent upon hereditary physical degeneration, a theory taken up by the Italian doctor, physical anthropologist, and criminologist Cesare Lombroso, who believed that criminals could be recognized by certain physical stigmata, a theory very popular at the time. It surely cannot be a coincidence, then, that at the beginning of *The Hound of the Baskervilles*, Dr. Mortimer, an enthusiast of physical anthropology, is gently satirized. He returns to Baker Street after an abortive visit when Holmes and Watson were out:

> "You interest me very much, Mr. Holmes. I had hardly expected so dolichocephalic a skull or such well-marked supra-orbital development. Would you have any objection to my running my finger along your parietal fissure? A cast of your skull, sir, until the original is available, would be an ornament to any anthropological museum. It is not my intention to be fulsome, but I confess that I covet your skull."
>
> Sherlock Holmes waved our strange visitor into a chair.
>
> "You are an enthusiast in your line of thought, I perceive, sir, as I am in mine," said he. "I observe from your forefinger that you make your own cigarettes. Have no hesitation in lighting one."
>
> The man drew out paper and tobacco and twirled the one up in the other with surprising dexterity. He had long, quivering fingers as agile and restless as the antennae of an insect.
>
> Holmes was silent, but his little darting glances showed me the interest which he took in our curious companion.
>
> "I presume, sir," said he at last, "that it was not merely for the purpose of examining my skull that you have done me the honour to call here last night and again today?"

There are other things to notice about this passage, apart from the satire. Even without knowledge of the intellectual background of the time it is funny, with a deep, joyous, and almost cosmic humor. I cannot speak for others, but for myself I can say that, however many times I read it, it never fails to lift my spirits.

Furthermore, Sherlock Holmes's response to Dr. Mortimer's odd manner of introducing himself is that of an admirable type, the perfect English gentleman. He is detached, ironic, tolerant, considerate, scrupulously polite and ceremonious at the same time. He is a model of self-mastery of the kind that allows eccentricity to flourish, as it so richly once did in England.

Nor is this all. The passage answers the question of an Indian friend of mine, who asked why I thought that English teachers in India always used the stories of Sherlock Holmes to teach the language. I replied that I thought Indian teachers were entirely sound in their judgment, for—as the above passage exemplifies—Conan Doyle wrote prose simultaneously of great economy and great beauty, notwithstanding that he

---

TRANSLATORS

In the beforetime, under a different administration,
There were marsupial words, chameleon words in trees,
Words shedding their wings and tunneling in the sea—
Clever and strong, out-thronging all our mute associations.

Among them went the poor hunters of words, into a stark
And dreary contest. Most dissolved when spat on.
Or imagine being hopeful, small and sat on
By a behemoth epic myth lured from the dark.

Yet efforts did persist, since words were useful things,
As proven by certain midden-heaps of note
That show the bones of comedy cooked with votes,
And also oration hides made into slings.

Once in a while a tender soul took home
A gold-hoofed lyric antelope to feed—Winsome, admired,
but it would not breed.
Now all these creatures' habitat is gone.

But wonder on wonder: Maybe cynically,
They left what could be hounded in the dust
By the henchmen of their perished captors—us.
From the ruins of that strange menagerie,

We sift the endless pails-full for a hoary
Vertebra or a molar, the single part
Left in the flattened cage of the world's heart—
Evidence of a story of a story.

—SARAH RUDEN

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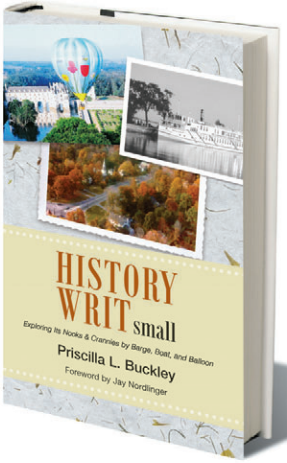

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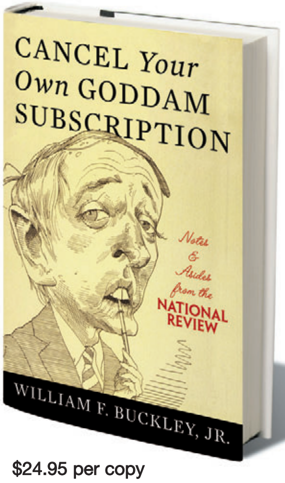

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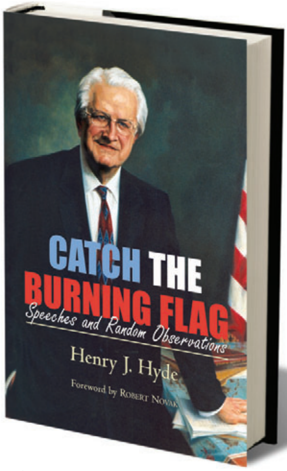

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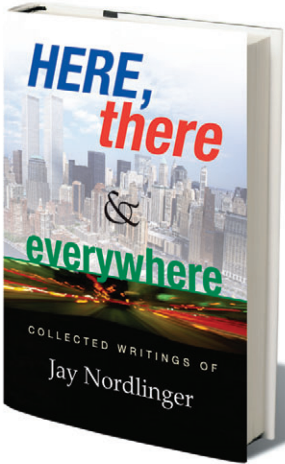

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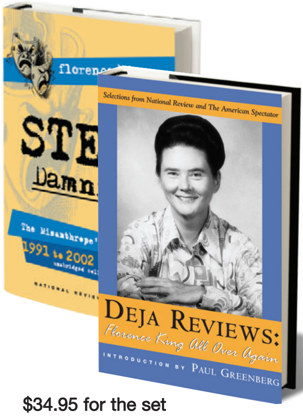

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wrote very fast. How better to teach children to write metaphorically than to meditate on the comparison of Dr. Mortimer's fingers with the antennae of an insect? How better the value and proper use of subordinate clauses, than by studying Dr. Mortimer's preparedness to accept second-best, a cast of Sherlock Holmes's skull, until the original made itself available?

Scattered on almost every page are lessons in how to write and also to think. When, for example, Holmes tells Watson that he sees but does not observe, is this not an object lesson in the proper distinctions of which our language is capable? Since the ability to make proper distinctions is both rare and necessary, those who study the canon are far from wasting their time.

Conan Doyle's fundamental humanity and decency, as evident in his life as in his work, shine through the canon. This in itself is a matter of interest, if it is accepted—as I think it should be—that the canon is itself a manifestation of literary genius. We have been so persuaded that genius and disgraceful conduct go together that we find it difficult to believe that an affable man such as Conan Doyle can be possessed both of goodness and of superior talent; indeed, appalling conduct is sometimes itself taken as evidence of the greatest talent. If geniuses are badly behaved, ought that not to mean that the badly behaved are geniuses?

The irresistibility of the Holmesian canon is likewise sometimes used to detract from or disparage the talent necessary to have created it. But if the elaboration of an entire fictional world, both realistic and fantastical, capable of being mined by intelligent people for scores of years for layers of meaning, giving innocent pleasure to millions of readers from the very first acquaintance, endlessly rereadable, and timelessly appealing in all quarters of the globe, is not a sign of literary genius, it is difficult to know what would count as such.

Conan Doyle no less than Holmes himself was an enemy of injustice, and his instinct for when it had been committed was strong. The unusual generosity of Conan Doyle's feelings is evident in the story "The Yellow Face," written at a time when racial prejudice, if not quite universal, was at least very strong indeed. The story revolves around the fact that an Englishwoman has had a child in Atlanta, Ga., by a black husband, an excellent man, who died in the great fire there. Returning to England, she falls in love with and marries a man called Grant Munro, from whom she desperately tries to conceal the evidence of her "shame," the child she had by her first husband. When Grant Munro discovers the mixed-race child, however, he does not react as his wife expects: "It was a long ten minutes before Grant Munro broke the silence, and when his answer came it was one of which I [Dr. Watson] love to think. He lifted the little child, kissed her, and then, still carrying her, he held his other hand out to his wife. . . . 'I am not a very good man, Effie, but I think that I am a better one than you have given me credit for being.'"

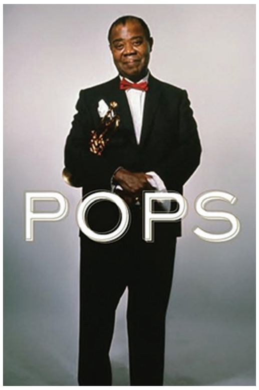
Watson's and Grant Munro's sentiments were Conan Doyle's, and it is no coincidence that the two cases of miscarriage of justice against which he fought courageously and campaigned for many years, contrary to prevailing public sentiment, and spending a great deal of his own money, involved an Anglo-Indian called George Edalji and an East European Jew called Oscar Slater; nor that he was an effective campaigner against the Belgian atrocities in the Congo.

As Conan Doyle managed to combine brilliant prose with abiding entertainment, so he was able to combine compassion with psychological realism while avoiding sentimentality. When a terrible murderer called Selden is killed after having escaped from the prison on Dartmoor where he is serving imprisonment for life, his sister, the wife of Sir Henry Baskerville's butler, Barrymore, mourns him: "To all the world he was a man of violence, half animal and half demon; but to her he always remained the little wilful boy of her own childhood, the child who had clung to her hand." As I know from experience of having worked in a prison, this is a perfectly accurate, and deeply compassionate, description of the reaction of the mothers or sisters of very bad men who die in captivity; but Conan Doyle did not take the further, and horribly sentimental, step of alleging that, because of their grief, the imprisonment had been wrong in the first place. He was far too well-balanced for that.

No film, however good or bad, can add to or diminish the luster of Conan Doyle's inspired creation. There is no doubt that this great and good man added enormously to the pleasure and instruction of the human race. Of how many of us can this be said? **NR**

'In the Cause of Happiness'

JAY NORDLINGER



Pops: A Life of Louis Armstrong, by Terry Teachout (Houghton Mifflin, 496 pp., $30)

PERMIT a reviewer to begin with a personal note: One of the best biographies I have ever read is a biography of Louis Armstrong by Laurence Bergreen. It was published in 1997, and does justice to that "extravagant life," as the subtitle has it. You can smell New Orleans at the beginning of the 20th century. You can taste the red beans and rice, and hear the music wafting from the *Dixie Belle* (a riverboat). I did not expect to read another biography of Armstrong. But when Terry Teachout writes something, you read it. And you are richly rewarded for the experience.

Teachout is the drama critic of the *Wall Street Journal* and the music critic of *Commentary*. He has written biographies of George Balanchine and H. L. Mencken. He is a literary critic of a high order. He can write about almost any subject, with authority and nuance. And he does it all in an amazingly smooth, curdless prose. He is especially equipped for a biography of Armstrong. Teachout once made his living as a jazz musician. He knows history, he knows America—and, indispensably, he is absolutely sensible on matters of race. *Pops* couldn't miss. It doesn't.

I have spoken, borrowing Bergreen's phrase, of an "extravagant life." Ralph

Ellison once wrote to a friend, “Shakespeare invented Caliban. Who the hell dreamed up Louis?” Remind yourself of the basic and familiar facts. He was born on the Fourth of July, 1900. (Actually, that is not so much a fact as a legend.) He grew up in Storyville, the red-light district of New Orleans. He landed in the Colored Waif’s Home for Boys—a very lucky break. He came under the wing of the jazzman Joe “King” Oliver. He went up to Chicago, then over to Harlem, and its Renaissance. Then he went all around the world, garnering huge fame and approbation. All the while, there were marriages, mistresses, mobsters—extravagance.

When Armstrong died in 1971, a British publisher asked Philip Larkin about the advisability of commissioning an Armstrong biography. The poet replied, “It is already accepted—or if it isn’t, it soon will be—that Louis Armstrong was an enormously important cultural figure in our century, more important than Picasso in my opinion, but certainly quite comparable.”

Every ounce of Armstrong’s gaudy, tumultuous life went into his music-making. He once said, “I seen everything from a child, comin’ up. *Nothin’* happen I ain’t never seen before.” And his influence on jazz was pretty much incalculable. The story goes that another trumpeter, Bunny Berigan, was asked what a dance-band musician should bring on the road with him. The answer: “A toothbrush and a photograph of Louis Armstrong.”

He was an incredibly hard worker, Armstrong, a point that Teachout brings out unmistakably: He worked for everything. He seemed addicted to work, actually, needing it for life. Politically, he was a conservative, at least of some type: He was a by-your-bootstraps man, maybe a (Booker T.) Washingtonian. He knew the hard knocks of life as well as anybody, but he had little patience for excuses. And he was a man of outstanding peculiarities. In addition to work, he was addicted to marijuana (which seems incongruous) and to laxatives. He evangelized for those substances, particularly the latter, and this embarrassed some of those closest to him.

It was said, of course, that Armstrong “sold out”: that he abandoned true jazz and went commercial and vanilla—from “West End Blues” to “Hello, Dolly!” Truth is, he was superb at everything he did, a total musician. I have long liked something that Irving Kolodin, the classical-music critic, said about some Armstrong gimmick: “It’s mad, it’s meaningless, it’s hokum of the first order, but the effect is electrifying.” The new wave of jazz musicians, the beboppers, despised Armstrong, at least some of the time, and he despised them back, at least some of the time. He spoke of “the whole modern malice,” a brilliant phrase. And he suggested that the new crowd snowed audiences—and, even more, critics—with a pretense to sophistication.

They called him an Uncle Tom, did the moderns, struttin’ and grinnin’ for the white folks. He could seem that way, but he wasn’t. He was a pure soul—for all his whoring and carrying on—and completely authentic. He had no racial prejudice and no racial shame. He was an integrationist pioneer, a fact frequently overlooked. One of the best things Teachout does in this book is defend Armstrong’s racial honor, conclusively.

He was an incredibly hard worker, Armstrong, a point that Teachout brings out unmistakably: He worked for everything.

No one could talk about Armstrong, his life and thoughts, better than Armstrong himself, and Teachout lets him speak for himself, all through. What a great voice. Do you recall what he said about Al Capone? “A nice little cute fat boy—young—like some professor who had just come out of college to teach or something.” And here is Armstrong on relating life to music: “When I play maybe ‘Back o’ Town Blues,’ I’m thinking about one of the old, low-down moments—when maybe your woman didn’t treat you right. That’s a hell of a moment when a woman tell you, ‘I got another mule in my stall.’” He was always writing, constantly writing, having acquired his first typewriter in 1922. He wrote articles, books, letters,

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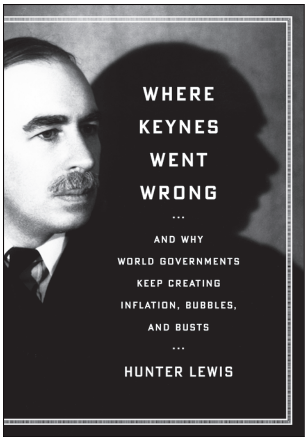

Where Keynes Went Wrong

BY HUNTER LEWIS

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sketches, pensées. I believe he knew he had important things to say and could say them unusually well.

One of my favorite Armstrong qualities is his ecumenism, his appreciation of every kind of person and every kind of music. (Leave the beboppers aside for a second.) All the cool cats disparaged Guy Lombardo as the king of the syrupy and safe. But not Armstrong: He knew the worth of that man and his band, and he talked about it. Then there is the question of the mediocre musicians with whom Armstrong had to work. (And, truthfully, sometimes he chose and preferred to work with them.) Armstrong once told a story that relates to this question. When he was a kid in New Orleans, he attended a church—a rip-roarin', singin', Jesus-praisin' church. One Sunday, the regular preacher did not show up, and his substitute was a pale imitation. But one woman in the congregation seemed to enjoy him as much as the regular preacher. Asked about this after the service, she said, "Well, when our pastor preach, I can look right through him and see Jesus. And when I hear a preacher who's not as good as ours—I just look over his shoulder and see Jesus just the same."

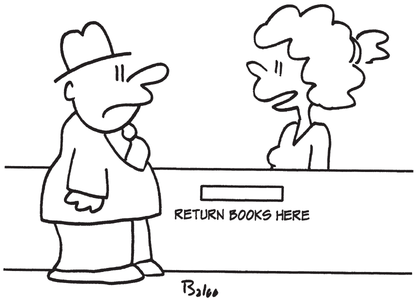
Care for another story? With Armstrong, they are endless, and they are a big part of what makes him a biographer's, and a reader's, delight. One night, Armstrong was playing in the South—Knoxville—and someone passing the auditorium threw a dynamite stick at it. After the explosion, Armstrong said to the frightened audience, "That's all right. It's just the phone." That is sangfroid, that is presence of mind—that is leadership—and it reveals something of Armstrong's character.

Terry Teachout has done astoundingly well with his subject, with his task. His book is "meticulously researched," to use the cliché. He always knows how to illustrate a point. He intersperses biography and history with musical analyses, and these are interesting, informed, and persuasive. They are also not too long or numerous. His organization, which is not strictly chronological, is very shrewd. You would never notice it, for it is seamless. The only reason I noticed it is that I was looking for it, as a reviewer. Teachout plumbs Armstrong, giving us the man in full (another cliché, I'm afraid). He has also given us a fantastic read.

It could be that Armstrong's greatest gift was happiness: to be happy himself and to spread happiness to others. He said that, when he mounted a stage, it was "in the cause of happiness." He had plenty of troubles and sorrows, but he stood against bitterness and resentment. I'm reminded of another jazzman, Eubie Blake, and his recipe for life: "Be grateful for luck. Pay the thunder no mind—listen to the birds. And don't hate nobody." At the end of his book, Teachout tells us that Richard Brookhiser, when battling cancer years ago, was unable to listen to anything other than the *Goldberg Variations* and Louis Armstrong. Brookhiser has explained: "Bach said everything is in its place, Armstrong said the sun comes shining through."

Reading Teachout's book had the effect of making me love Louis Armstrong all over again. I also thought a bit about fame. At one time, Armstrong was one of the most famous people in the world: any nationality, any field. And earlier, I spoke of the "familiar facts" of Armstrong's life. But are they so familiar now? The world forgets with astonishing speed. I run into young conservatives all the time who are unclear on who William F. Buckley Jr. was. A few years ago, a very bright, very mature student at a top-rated law school thanked me for introducing him to the name Solzhenitsyn. He had never heard of him. I expressed incredulity. He said he doubted his classmates would have heard of him either. I was still incredulous. He later polled his friends—and only one, a Russian, knew the name. And that young man thought that Solzhenitsyn had been a prominent Communist.

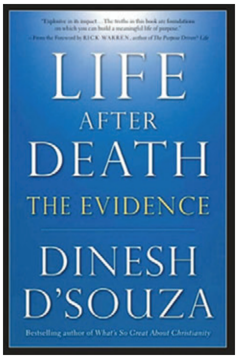
Teachout's book may help extend the Armstrong legacy. In any case, I do not expect to read another biography of Pops (Satchmo, Papa Dip, Gate, the Reverend Satchelmouth, etc.). Unless maybe Mark Steyn writes one. **NR**



"I'm sorry, sir—all our books on Houdini have disappeared."

The Great Beyond

JOSEPH BOTTUM



Life After Death: The Evidence,
by Dinesh D'Souza (Regnery,
256 pp., $27.95)

EVERY once in a while there washes up on shore some strange object from the deep. A half-decayed cuttlefish of a kind that no one's ever seen before. The broken tentacle of a giant squid. An eyeless creature that shouldn't exist. A phosphorescent patch from the ocean floor.

It's usually children who find it first, playing in the sand with their shovels and pails. They call their parents over, and then the local sheriff drives up for a look, and before long there's a crowd gathered there on the beach—lifeguards, and gawkers, and photographers from the local paper, and biologists from nearby schools with their tape measures and scales—all looking down at the odd, misplaced being. And one by one, they rise and turn to stare out at the enormous, incomprehensible sea, shading their eyes and wondering.

Think of Dinesh D'Souza this way: a man who has seen some strange things—gone looking for them, in fact—and now invites us to join him, staring out at the ocean. Both the book he published in 2007, *What's So Great About Christianity*, and now his latest volume, *Life After Death: The Evidence*, reveal that he is no philosopher or theologian; he doesn't have a diving suit, and he flounders a little when he gets in too deep.

Mr. Bottum is the editor of First Things.

Still, he says, look at some of the peculiar stuff that's washed up on the beach: reports of near-death experiences, for instance. Or examine what modern physics has to say about quantum anomalies, dark matter, and multiverses. Or notice the way ethics always seems, in the end, to require a final judgment of us as individuals. "The core of the book," he notes, "consists of three independent arguments . . . one from neuroscience, one from philosophy, and one from morality." He admits that none of these is decisive in itself, but, then, the book, he says, "proceeds as a gathering storm, moving from the significance of the issue to its possibility, then its probability, and then its practical benefits, and finally why we should go for it"—where the *it* is nothing less than the rational conviction that life exists after death.

Dinesh D'Souza is a serious Christian, and he devotes a section of *Life After Death* to showing that the Resurrection of Jesus Christ makes more sense of the historical data from early Christianity than denial of it does. But the overall purpose of the book is more generally apologetic—which is to say, apologetics in the old sense of the word. For all its dwelling on modern neuroscience and physics, *Life After Death* is a very old-fashioned kind of book. Thomas Aquinas had much the same purpose for the *Summa Contra Gentiles*, and what D'Souza aims to show is that a key tenet of Christianity is rational in its own right, without reference to actual faith in Christianity.

Is he right? Well, yes and no. D'Souza first came to wide public notice with his 1991 culture-wars volume *Illiberal Education*, and perhaps it's not surprising that even in his new book he is at his best with straight-out attack on the illiberal assumptions of mainstream liberalism. By a wide margin, most Americans believe in life after death, but the militantly "enlightened outlook" of modernity is "largely uncontested in the public arena," he notes, and it has largely succeeded in shifting the burden of proof onto believers. Reductive materialism has illegitimately borrowed prestige from modern science, and believers have been forced to live with a frustrating "double truth" mentality. The religious must set out to "reclaim" the territory of reason and science that secularists have "hijacked."

It was Freud who put the modern view most directly: We cannot imagine ourselves not existing after death, because, to do so, we have to imagine that we are somehow present after death to observe our nonexistence. Belief in immortality, he concluded, was merely an epiphenomenon—the froth and spume, as it were—of this little logical circle.

Of course, Freud's was not actually much of an argument: The fact that there is a reason that we think something doesn't mean that what we think is false. And, as D'Souza notes, we ought to take seriously the ubiquity of belief in immortality, whether it's the Eastern idea of the soul's reincarnation in various bodies (which D'Souza does not sufficiently distinguish from metempsychosis) or the Western idea of final, individual destiny with both body and soul. The vast majority of human beings have subscribed to one or the other. Even Judaism, unusual in not starting with a concept of immortality, eventually developed a belief in bodily resurrection.

Life After Death points to a parallel with the curiously universal features reported in near-death experiences—if all these experiences look alike, shouldn't we think they have some objective basis?—but it is as the book moves into modern science that D'Souza makes his argument clear. Many developments in physics over the past century, for example, seem to indicate the reality of a realm beyond space–time. The verifiable course of evolution, too, indicates a plan: from the inert to the living, and then from the dumb to the self-aware. Even in neuroscience, recent findings (on the placebo effect and neuroplasticity) show that the physical brain cannot explain the human mind.

What D'Souza wants from all of this is what Thomas Aquinas would have called *final causation*: a sense that we live in a purposeful universe, that we dwell in a reality that is aiming at some goal. And if he succeeded, D'Souza would have the physical universe in parallel with the moral universe. *Is* would look a lot like *Ought*, in other words, and we could rationally assume physical immortality, a life beyond our own, just as we rationally assume that moral values exist beyond mere facts. The "presupposition of cosmic justice" is secured by a "legislative realm" beyond the observable world, *Life After Death* argues. "Taken in conjunction" with the arguments from neuroscience and philosophy, this "provides stunning confirmation that the moral primate is destined for another life."

D'Souza insists that the morality encouraged by belief in cosmic justice and the afterlife is "good for society." Good for the individual, for that matter, he says, in an extension of Pascal's Wager. This looks like a simple social-utility fallacy (the fact that it's good for us doesn't make it true; remember Plato's Noble Lie?). But here's where D'Souza's purposeful universe clicks in. If the physical world is aiming at a goal, then morality and reality converge—and there is a rational basis for saying that what is good is also true.

Or, at least, there *appears* to be a rational basis. Dinesh D'Souza is a smart and clever writer, but the water is a little over his head when he tries to reach a strong philosophical conclusion. Perhaps we are rational when we hold that the universe is heading toward a goal, but how do we know that this goal befits human beings? Not all purposes are humanly useful purposes, after all, and to get to the conclusion that D'Souza wants, we need the further postulate of a good Creator who loves His creation.

Surely this last step is still a leap of faith, not syllogistic reason. *Life After Death: The Evidence* demonstrates that rationality takes us much further than the smug, pseudo-enlightened types think. The ideas of immortality and resurrection are highly rational and coherent, in themselves. As D'Souza shows, it's not at this point that believers have to offer faith as the explanation of their beliefs.

Eventually, however, faith must be invoked. The strange things that wash up on shore prove that the ocean is deeper and wilder than we know—but, in the end, we are left standing on the beach and staring out at the sea in wonder. **NR**

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Film

Deep in the Shallows

ROSS DOUTHAT

Before I say anything else about James Cameron's *Avatar*, I should say that it's flat-out amazing. Nothing in the movie's plot, themes, characters, and dialogue can change the fact that Cameron has delivered something revolutionary here, something gorgeous and immersive and unprecedented. We've grown jaded, of late, at what special effects can summon up. (Another apocalyptic battlefield? Yawn. Another fleet of starships? Well, if you must . . . .) But *Avatar*'s science-fiction setting, the verdant planet Pandora in the year 2150 or so, represents world-building on a scale no movie has attempted. What Cameron has spun from CGI, motion capture, and 3-D needs to be seen to be believed.

And since this is James Cameron, after all—James "*Terminator*, *Titanic*, and *True Lies*" Cameron—the film doesn't just sit there, lovely and inert. He knows how to make a movie move. The action sequences are kinetic without being confusing: Their choreographed clarity harkens back to brilliant set-pieces in earlier Cameron efforts, while borrowing judiciously from the slo-mo tricks perfected by younger filmmakers during his long hiatus. The battle scenes are sweeping and horribly beautiful, in a Coppola-in-Vietnam kind of way. When the movie wants you to soar, you'll soar. When it wants to rivet you, you'll be riveted. *Avatar* is two hours and forty minutes long, but it's almost never boring.

It is, however, deeply stupid. Relentlessly stupid. Occasionally mindbogglingly stupid. The problem isn't that the dialogue is risible and the characters are paper-thin: *Titanic*, for instance, was a glorious work of popcorn art despite a first act in which every other sentence thudded like an anvil. And the fact that Cameron pilfers shamelessly from a host of famous screen epics isn't necessarily a bad thing: The original *Star Wars* was a long science-fiction pastiche, and that turned out pretty well.

No, the problem is what Cameron pilfers, and then what he leaves out. He's taken every left-wing cliché—about politics, religion, the environment, the military, imperialism, big business, Vietnam, George W. Bush, you name it—from a generation's worth of preachy Hollywood movies, and crammed them all into a single teeming blockbuster. There's a hilarious Internet parody, from early this decade, that imagines Noam Chomsky and Howard Zinn providing audio commentary for *The Fellowship of the Ring*. (Chomsky: "The point is clearly made that the 'master ring,' the so-called 'one ring to rule them all,' is actually a rather elaborate justification for preemptive war on Mordor.") Now imagine that *Fellowship* had actually been co-directed by Zinn and Chomsky, and you have roughly the flavor of this movie.

20TH CENTURY FOX

The story starts with a crippled marine, Jake Sully (a glowering Sam Worthington, trying to channel the *Gladiator*-era Russell Crowe), being recruited for an unusual mission on Pandora, where a sinister corporation and its hired guns are mining for a metal called (I kid you not) "unobtainium," while fending off attacks from the native Na'vi people. Sully is fitted out with an "avatar"—a nine-foot-tall, tail-sporting, blue-skinned Na'vi body, which he inhabits remotely, from inside what looks like a high-tech tanning bed. Thus equipped, and supervised by an ornery scientist named Grace (Sigourney Weaver, having fun), he sets out to infiltrate the local alien clan in the hopes of making peace—or, failing that, in the hopes of bringing useful military intel back to his superiors.

If you've seen *Dances with Wolves*, or *Pocahontas*, or *The Last Samurai*, or . . . well, anyway, you probably know what happens next. Our man Sully falls hard for a Na'vi huntress named Neytiri (Zoe Saldana), falls even harder for her primitive, mystical, totally-in-harmony-with-nature community, and decides to switch sides and protect the locals from the rapacious human scum. And I do mean scum: Save for Sully, Grace's team of scientists, and a plucky helicopter pilot (Michelle Rodriguez), the human presence on Pandora consists of entirely soulless corporate greedheads and genocidal, militaristic thugs.

In other words, Republicans. Just in case the point wasn't clear enough, the thug-in-chief, Colonel Quaritch (Stephen Lang), spends the movie's final act barking slogans like a character in Oliver Stone's *W.* ("A preemptive attack!" "Shock and awe!" "We'll fight terror with terror!") Meanwhile, the Na'vi embody every cliché of noble savagery: There's goddess worship, pantheism, sub–*Lion King* circle-of-life philosophizing, and (lest they lose the Richard Dawkins demographic) a bogus scientific explanation, à la the "midichlorians" in the *Star Wars* prequels, for what seem like supernatural happenings.

So this is what's in the movie. What's left out, to clear space for Cameron's *Ferngully*–meets–*Fahrenheit 9/11* posturing, are crucial lineaments of plot. Important scenes, like the sequence in which the Na'vi decide to initiate Sully instead of killing him, feel truncated to the point of absurdity. The sort of useful explanatory interludes (what does unobtainium do? what's the situation back on Earth? how was Sully crippled? etc.) that make a secondary world seem rich and plausible are missing from the film entirely. And so, bizarrely, is something more essential still: an explanation of some of the avatar program's basic rules. For instance: When your avatar is killed, are you? It's a pretty important question, given how often Sully courts death while wearing his blue-skinned secondary body—yet the movie never bothers to tell us.

What it tells us instead, over and over again, is that every technological advantage counts for nothing if you lack heart and soul, empathy and vision. Given that his movie's technical achievements are what make *Avatar* worth seeing, Cameron had better hope the public disagrees. **NR**

City Desk

The Pipes, The Pipes

RICHARD BROOKHISER

High, wavering. Cutting (it must be, to carry from such a distance). I am walking along a street that runs into Union Square in the early evening. Last-century office buildings stand and shrug, like men in cold, stationary jobs: selling Christmas trees, collecting coins for charity. The buildings muffle the sound, which seems to be coming from ahead and to the left, forcing it to turn a corner. Some construction-site generator? A car alarm, more likely; or maybe the NYPD/FDNY experimenting with a new siren.

I come to the corner myself, into the nighttime Union Square panorama (cold season). Naked trees; dark dead presidents; belated commuters, never-say-die skateboarders; and now explained, though still invisible, at the far end of the square, the source of the sound I have been noticing. A bagpipe.

The piper has taken up his position in the direction I am going anyway, but my steps quicken, as they always do when I hear a bagpipe. When I draw alongside him, I can't see much. His legs are trousered (too cold for a kilt). If he has an open instrument case—immemorial stimulus fund of New York City street musicians—on the pavement in front of him, it is hidden in the shadows. He displays no sign (not that you could read one) and he is too busy blowing to make any pitch. So, within the limits of the urban cheek-by-jowl, he respects my privacy, and I do the same, hanging back to listen with the decorum and the thrill of a voyeur.

I have heard him a few times before, and I will hear him again after tonight, though when I have seen him in the light I realize he is multiple: one time he was a young man; on other occasions, he is pepper and salt, with a beard. Whatever his age, he plays a traditional Highland pipe. With the blowpipe in his mouth he fills the bag; the air he squeezes from the bag with his arm exits by four pipes, which make the music: three pipes above the bag like a marlin's fin, two short (the tenor drones), one long (the bass drone); one pipe (the chanter) hanging from below, like an artificial teat. Fingers on the chanter pick out the melody; the drones produce the hypnotizing hum.

Bagpipe melodies have lots of tweedledee, imposed in part by the mechanism itself: Since the air leaves the bag in a steady stream, it is impossible to repeat a note without intervening grace notes. So even marches take on the swing of jigs. What stirs my innards is the drone. The drone turns a lone piper into an army. It adds distance to the sound, and therefore motion: *We are coming.* It also adds time, and therefore pathos: *We have been here; you have heard us.*

What stirs my innards is the drone. The drone turns a lone piper into an army. It adds distance to the sound, and therefore motion: We are coming.

It is certainly no blood feeling that stirs me. I do not have a single Scottish ancestor that I know of. There are few enough in New York. Alexander Hamilton was the grandson of a laird. In one of his enemies-list jottings, Thomas Jefferson noted (January 24, 1800) that Hamilton had attended a St. Andrew's Club dinner in New York. "The first toast was, 'The President of the United States.' It was drank without any particular approbation. The next was, 'George the Third.' Hamilton started up on his feet, and insisted on a bumper and three cheers." There were other Scots after him: James Lenox, of the library; James Reston, of the *New York Times*. But as an ethnic group they are invisible. My ethnic atlas of the United States, based on the 1980 census, says "Scots have dispersed themselves so thoroughly that their distribution is much like that of the total U.S. population," which reflects their "social assimilation." In other words, they live where everybody else does because they are now like everybody else. There are more Hungarians, more Arabs, and more Cubans in the city than Scots. I went to one Burns supper here some years ago. It was a fine affair, with a haggis, the Immortal Memory (a speech about Robert Burns), a Toast to the Lassies and one to the Laddies. But it was sponsored by some corporation and held at the Metropolitan Club; you couldn't make a parade down Fifth Avenue of it.

Scots may be thin on the ground, but they have been intellectually chic for a while now. Perhaps Garry Wills started it, when he suggested that Jefferson was the disciple, not of John Locke, but of the Scottish Enlightenment. (Harry Jaffa went nuclear; I still bear scars from the blast.) Scots are credited with inventing the modern world. Atheists and wits rediscover David Hume; every good conservative economist knows Adam Smith; every wise one also knows John Law. That Scotland has nothing to do with bagpipes. That is the music of outlaws, losers, reactionary rebels, and their bard was Sir Walter Scott. The English novel is not known for its political sophistication; Scott, who has sunk without a trace, is an exception. From *Old Mortality* to *Redgauntlet*, he wrote a series of novels that track the end of the House of Stuart, the Scottish dynasty that inherited the English throne at the beginning of the 17th century and lost it by the end, though their partisans kept up the fight for some decades. Scott wraps their failure in romance—but he also shows why it was necessary. He asks, What must go before enlightenment can come? When does a good cause become a bad one? An old cause a lost one? Do we lose anything in honor, to gain order, votes, and banking?

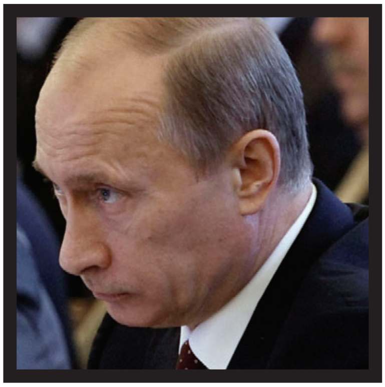
Scott certainly writes about bagpipers. I don't know how many bagpipers read him. But if there was ever a man who put that wail into thoughts and words, it was him. He heard the distance and the time, and it said: *We are gone (except from your memory).* **NR**

Happy Warrior BY MARK STEYN

Czar Vlad's Guano

We pundit types are expected to have opinions on everything, but I confess I would have been momentarily stymied had I chanced to be in the big geopolitical-analysis chair on some cable network the moment the news broke that Nauru had recognized Abkhazia.

If you can't tell the players without a GPS, Nauru is in the South Pacific, and Abkhazia is in Georgia, technically and legally. The Georgia that's a breakaway republic from the Soviet Union, that is. Abkhazia is a breakaway republic from the breakaway republic and has aligned itself with the republic the original breakaway republic broke away from—Russia.



Nauru would not seem to be an obvious candidate to be a big player in Caucasian politics. It's a former British–Aussie–New Zealand trust territory that for many years had a weird second-class citizenship in the Commonwealth. As the then–secretary general, Sir Sonny Ramphal, a wily Guyanan rogue of whom Her Majesty the Queen was unaccountably fond, once explained to me, Nauru was a "non-voting member" of the Commonwealth. "But hang on," I pointed out. "Nobody's a voting member of the Commonwealth. It's all done by consensus." He smiled at me enigmatically and glided across the floor to schmooze some A-list dictator.

And then the guano ran out. The entire Nauruan economy, and come to that the nation itself, rested on bird droppings. Once it's piled up to a sufficient depth, you're sitting pretty. In the Seventies, phosphate mined from the guano gave Nauru the highest GDP per capita on the planet. But one day Nauruans woke up to find the bird had flown and taken his excrement with him. And they were forced to look elsewhere for an economic base. In the early Nineties, I met a couple of bigwigs from the capital, Yaren, in London when the Nauruan government, in the wake of *Cats* and *Les Misérables* and *Phantom of the Opera*, decided to invest in a British musical about Leonardo written by a couple of guys whose only hit song was the long-ago Number One "Concrete and Clay." Oh, come on. You must remember: "The concrete and the clay beneath my feet begins to crumble . . ."

Which was literally the situation the bird-pooped-out Nauruans found themselves in. Alas, *Leonardo: The Musical* flopped. The general view of the critics was that, in the words of a famous song about his most famous painting, it just lies there and it dies there. Back to Square One for Nauru.

Meanwhile, on the other side of the world, Eduard Shevardnadze was having a hard time holding Georgia together. I used to appear on the Channel 4 morning show in Britain, which had one of those rolling news formats where you repeat the same headlines every half-hour. The news that morning was about the breakaway movement in Abkhazia, which our lead anchor was following closely mainly because "khazi" is Brit slang for "toilet," so the name tickled him. You'll recall that in the classic British film *Carry On . . . Up the Khyber*, Kenneth Williams plays an Afghan warlord called the Khasi of Kalabar. Anyway, the story got even better when Shevardnadze holed up in his stronghold of Poti, which Dermot, the lead anchor, pronounced "Potty." At 8 A.M. the pronunciation unit showed up and decreed that the town was to be pronounced "P'*tee*," thereby ruining our schoolboy japes.

Like South Ossetia, Abkhazia has enjoyed de facto independence ever since. But it's recognized de jure only by Russia, Nicaragua, Venezuela, and now Nauru. What did the Nauruans get for providing Moscow with one minor vote to legitimate Putin's Greater Russia? Well, Tsar Vlad was apparently very generous in his offer of "financial aid" to the post-guano Nauruan economy.

I doubt one in a million Americans is even aware of the Abkhazia/Nauru story, but it illustrates some important features of the international scene that the Foggy Bottom types don't always seem hep to. First, Russia's imperialist ambitions are an issue that resonates far beyond Russia's backyard. Australia has been concerned for some time about a China–Taiwan competition to, in effect, buy up hastily decolonized Commonwealth territories in the Pacific. It will have a terribly corrupting influence on the region's politics if Russia is determined on a piece of the action.

Second, we underestimate the importance of sub-jurisdictions. Nauru is sovereign but not quite independent: Its appellate-court rulings can be overturned by the High Court of Australia, a country to which Nauru also contracts its national defense. Why would they object to Abkhazia's entering into similar relations with Russia? But look at the other side, too: Poti sits on the eastern coast of the Black Sea, and Georgia recently sold a 51 percent stake in the port to Ras Al Khaimah, one of the United Arab Emirates, to run it as a "free industrial zone." Like the bankrupt Dubai, Ras Al Khaimah is a sub-national jurisdiction. These are crosscurrents in the undertow of the Big Pond: Arab money, Russian ambition, Chinese subversion, and emerging statelets susceptible to all three.

You'll notice who seems largely irrelevant to all of the above: us. America and its allies. In a globalized world, the West defers increasingly to the transnational institutions, without apparently even noticing the destabilization by key players at sub-national level. There'll be a lot more of that in the years ahead. **NR**

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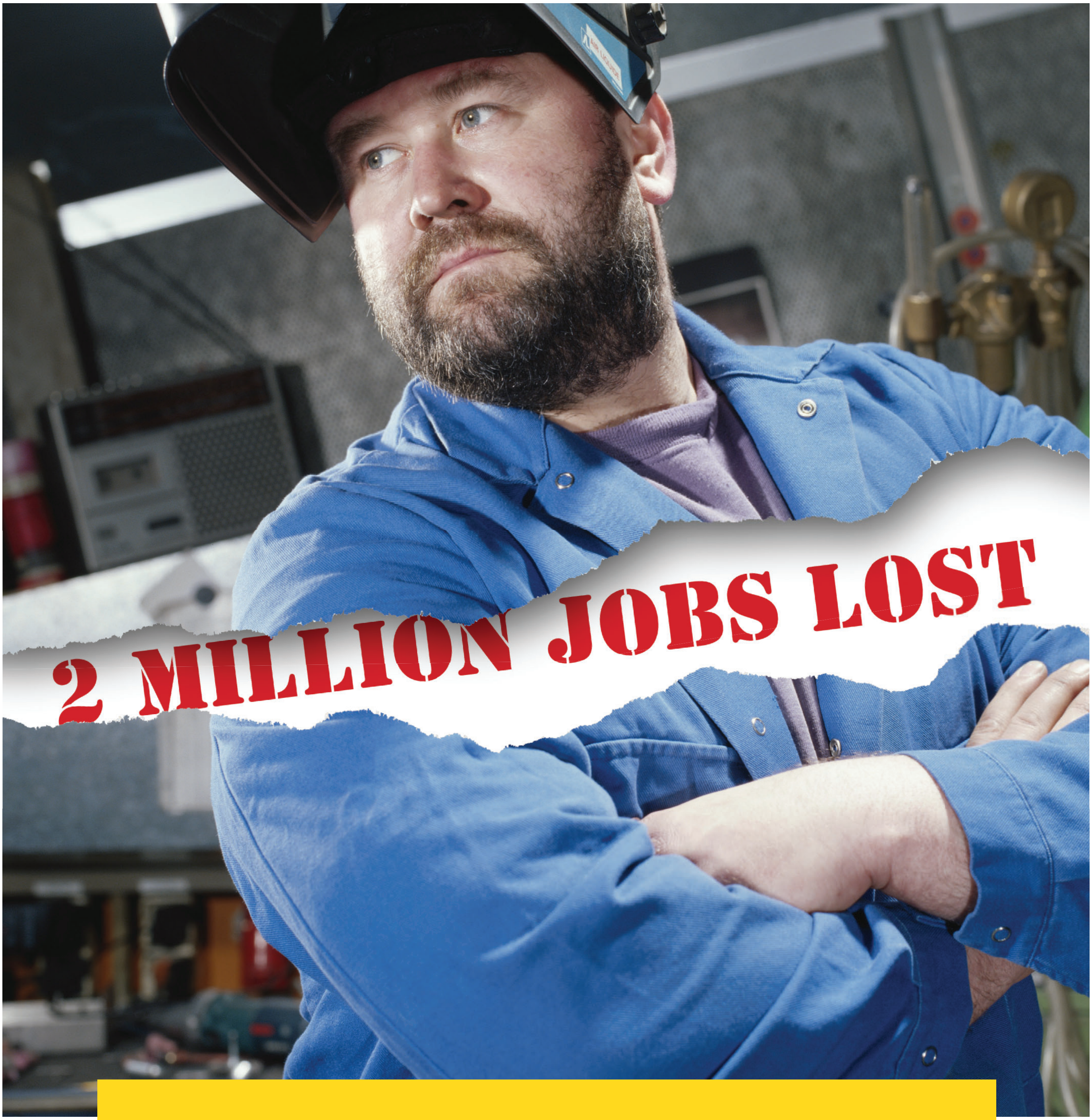

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*Source: *Impact on the Economy of the American Clean Energy and Security Act of 2009 (H.R. 2454)*, CRA International, August 2009

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